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## Dignity at Work



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## Diversity Policy Statement

The Council is committed to ensuring that no-one is treated in any way less favourably on the grounds of personal differences such as race; colour; national, ethnic or social origin; gender (including reassigned gender); sexual orientation; religious belief; age; disability; marital status; caring responsibilities or political or other personal beliefs.

The Council will implement all necessary action and training to ensure its commitments with regard to equality of treatment and outcome are fulfilled and will regularly monitor and review progress made in this respect.

### 1.0 Culture of Respect

- 1.1 North East Lincolnshire Council considers bullying, intimidating or degrading behaviour to be unacceptable and potentially unlawful. The Council believes that everyone, employees and service users, alike have a fundamental right to be treated with dignity and respect.
- 1.2 The Council will not tolerate its employees being treated in a way that they perceive to be unwanted or unacceptable through harassment, bullying, victimisation or discrimination for any reason but in particular their sex, age, marital status, race or religious beliefs, colour, disability or sexuality.
- 1.3 To this end North East Lincolnshire Council will provide training, offer support, guidance, learning and development to all staff across the council to promote and encourage a culture of respect.

## 2.0 Aim

- 2.1 To maintain a working environment that is free from all forms of harassment and bullying, and maintains the rights of individuals to be treated with dignity and respect.

## 3.0 Scope

- 3.1 Applicable to all employees except those employed by schools with delegated budgets. Governing bodies will however be encouraged to adopt the principles outlined in this policy.
- 3.2 The principles outlined in this policy will also apply to individuals employed by the council in an interim, agency or consultant capacity, along with external companies employed as contractors.
- 3.3 This policy is not intended to deal with incidents of verbal or physical abuse by members of the public including clients towards an employee. These will be dealt with through the [Violence at Work policy](#) and the [Record of Discrimination Incident](#) reporting process.
- 3.4 During the course of employment there may be occasions when a manager needs to make constructive and justified criticism of an individual's performance. This would not be considered bullying or harassment for the purpose of this policy, but instead would be recognised as a legitimate management role intended as a measure to improve an individual's overall performance. Such comments must remain professional, concentrate on the performance of the individual in relation to their work or attendance at work only and not become personal in any way.
- 3.5 There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act

## 4.0 Definitions

- 4.1 **Harassment** - *Conduct which is unwanted, one sided and offensive to the recipient, regardless of whether it is intended.*
- 4.1.1 Harassment can be a single act or numerous acts which are ongoing and therefore employees should think carefully about behaviour which makes anyone feel uncomfortable, degraded or upset.
- 4.1.2 Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees are 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 because of perception and association
- 4.2 **Third Party Harassment** - Employers are potentially liable for harassment of employees by people (third parties) who are not employed by the Council, such as customers or clients. In this situation, the Council would be liable if harassment has occurred on at least two

previous occasions, if we are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

- 4.3 **Bullying** - *Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means which undermine, humiliate, denigrate or injure the individual or group of employees.* This kind of conduct is usually sustained.
- 4.4 **Discrimination** - *Less favourable treatment on the grounds of sex, age, marital status race or origin, colour, disability or sexuality.*
- 4.5 **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 someone who has a protected characteristic (see discrimination by association below).
- 4.6 **Discrimination by Association** – occurs when someone is discriminated against because they associate with another person who possesses a protected characteristic. Applies to race, religion or belief and sexual orientation. age, disability, gender and gender reassignment.
- 4.7 **Perception Discrimination** – occurs when someone is discriminated against because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. Applies to race, religion or belief and sexual orientation. age, disability, gender and gender reassignment.
- 4.8 **Indirect Discrimination** - occurs when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, ie that it is 'a proportionate means of achieving a legitimate aim. Applies to all protected characteristics.
- 4.9 **Victimisation** - *Less favourable treatment as a result of having undertaken action against the Council or an employee within the organisation or because they are suspected of doing so.*
- 4.10 **Unacceptable Behaviour** - may include actions, or suggestions which could create a stressful working environment, displaying offensive material, excluding or ignoring someone, telling inappropriate jokes, inappropriate physical contact or assuming a threatening or intimidating management style (this list is not exhaustive and not all incidents that may occur will be covered by this list).

## 5.0 Roles and Responsibilities

### Employer's Responsibility

- 5.1 North East Lincolnshire Council recognises it has a corporate responsibility to take active steps to eliminate or minimise the incidents of bullying or harassment and promote the well being of its staff. In order to promote a culture of respect the Council will provide appropriate training and encourages employees at all levels to undertake learning and development to improve understanding. The Council will also ensure that support and

guidance is available for anyone who feels they may be a victim (this may be the accused or the accuser), through a variety of means including your trade union for those with membership.

#### Manager's Responsibility

- 5.2 The manager is responsible for ensuring the awareness and compliance with this policy by the staff they manage.
- 5.3 If any potential breaches in this policy are witnessed or reported to the manager they are expected to act upon the allegation, even if this is in the absence of any formal complaint. The action should be prompt, fair, and consistent. An awareness of the need for confidentiality as far as is reasonably possible should also be considered to ensure that all parties involved are protected whilst the issues are resolved.
- 5.4 In some cases a line manager may be legally obliged to proceed with an investigation even if the employee does not wish to make a formal complaint. In these circumstances the employee will be informed why it is necessary to proceed and will be kept informed of the process.
- 5.5 All employees in the Council with management duties have the responsibility to ensure that they promote and foster a climate that discourages behaviour that could be construed as bullying, intimidation or harassment. Inappropriate or unacceptable behaviour can be raised using performance management techniques (i.e. induction, probationary period, supervision, appraisal and training) as well as in 1 to 1 discussions immediately following any observed inappropriate behaviour.
- 5.6 The line manager is also required to record any incidents that are raised under this policy (formal or informal) on a monthly monitoring form, which should then be passed to the Human Resource Section for collation.
- 5.7 Guidance and advice is available from the Human Resources section.

#### Employee Responsibility

- 5.8 Each employee of North East Lincolnshire Council has a responsibility to adhere to the rules of conduct and perform their duties giving consideration to the impact of their actions on other colleagues.
- 5.9 In addition all employees have the right to challenge behaviour that they perceive to be unacceptable and may be considered harassing, intimidating or bullying in nature, whether this behaviour is directed toward themselves or others. If an employee feels that their dignity at work has been affected by another person's actions they should raise this with the individual or if they feel unable to do so report this to an appropriate officer as soon as possible.
- 5.10 North East Lincolnshire Council encourages employees to raise issues where they perceive bullying or harassment has occurred and will investigate reported incidents which may constitute a form of bullying or harassment.

- 5.11 To assist in promoting a culture of respect employees will be encouraged to co-operate in any investigation into a breach in policy, or may be requested to support a colleague by challenging the harasser/bully directly at the time of the incident if safe to do so.
- 5.12 Should an employee witness an incident of bullying, intimidation or harassment, but does not feel that they can challenge the harasser/bully directly they should report the incident to their line manager, an appropriate officer or Human Resources. It should be noted however that employees will be encouraged to substantiate their complaints where reasonably possible in order that a fair investigation/response can take place.

#### Human Resources Responsibility

- 5.13 The Human Resources section can offer guidance, advice and support to employees and all levels of management.
- 5.14 Human Resources will offer guidance with regard to the interpretation of this policy and best practice recommendations in dealing with incidents of bullying, intimidation and harassment, including the appropriate information to record.
- 5.15 Human Resources will collate information in respect of 'Dignity at Work' complaints taken through the formal grievance procedure and analyse the information to be circulated to the Corporate Management Team on a quarterly basis.

#### Employee's working for an external agency/organisation

- 5.16 North East Lincolnshire Council works in partnership with other authorities, organisations and also engages interim, consultant and agency staff. Should an issue of harassment/bullying arise, the complaint should be handled in conjunction with the other employer, in normal circumstances the employing organisation of the external person will be responsible for the investigation of the alleged incident(s) and the outcome will be shared with NELC and the individual concerned.

### **6.0 What do you do if you feel you are being bullied or harassed?**

- 6.1 There are a number of steps an individual can take if they feel they are being or have witnessed an incident:
- Keep copies of any documents and a written account of the event, including what happened, when, where and who (if anyone) witnessed the event. This will assist with any investigation should this be necessary. This should however be reported within a reasonable time period.
  - Talk to someone! You can report any incidents to your line manager, a more senior level manager, a colleague, a Human Resources officer, or a Trade Union Representative.
  - Try talking to the bully/harasser and explain how you feel and attempt to resolve this. If informal methods do not resolve the problem, consider making a formal complaint via the Council's Grievance Procedure.
- 6.2 It is better for all concerned if solutions to a complaint can be reached quickly and with the minimum of embarrassment for the parties concerned.

### **Informal Procedure**

- 6.3 The complainant may choose to raise the matter direct with the offender. In many cases raising the matter with the offender and pointing out that his/her behaviour is offensive or unacceptable, may be sufficient to end such behaviour.
- 6.4 If the complainant feels they cannot raise the matter themselves, or if this approach has failed, they can approach their manager, workplace colleague, the Principal Equalities Officer (as an employee representative) or trade union representative to support them in raising the matter with the offender.
- 6.5 The person with whom the complaint is raised will arrange an informal meeting with both parties (each will have the right to have a representative to accompany them to the meeting in a supportive role). The meeting will explore the issues and concerns raised, and seek to identify a possible resolution. Both parties must agree to the meeting and either side will have the right to withdraw at any point during the process, although reasonable co-operation is an expectation.
- 6.6 The outcome and any agreed actions following the meeting will be detailed in a letter to both parties concerned and issued within 7 days following the meeting. The letter will also inform the complainant that they have 14 days in which to pursue the matter further via the formal procedure.

### **Formal Procedure**

- 6.7 If the matter is unresolved through the informal procedure or if the matter is too serious to seek an informal resolution the complainant (or the complainant's representative) should raise a formal complaint.
- 6.8 The matter will be dealt with via the Council's [Grievance Procedure](#) and progress straight to (3.1) within the procedure.
- 6.9 Extensions to any time scales outlined in the procedure will be acceptable only with mutual agreement from all parties.

### **Senior Level Complaints**

- 6.10 If the complaint is against or connected with a Deputy Director the matter should be raised via the [Grievance Procedure](#) to the Executive Director/Chief Executive.
- 6.11 If the complaint is against or connected with the Deputy Chief Executive/Chief Executive the matter should be raised initially with the Deputy Director of Human Resources who will notify the Leader of the Council. Any further action will then be taken in accordance with the Discipline procedure contained in the JNC Conditions of Service for Chief Executives of Local Authorities.
- 6.12 If your complaint is against or connected to an elected member you should raise the issue initially with the Director of Law & Democratic Services.

## 7.0 Resolution

- 7.1 Following the resolution of a complaint both parties will be expected to continue to work in their substantive posts and will be given support and counselling to assist them to do so.
- 7.2 Both parties will have the opportunity to attend an informal meeting facilitated by a suitably trained officer external to the department or team. This is not a discussion about the particular details of the complaint but instead an opportunity to explore how to move forwards and rebuild relationships.
- 7.3 In the event that an agreement has been made between the parties by way of mediation in respect of mutual behaviour, and one party subsequently breaches such an agreement, then this would be taken into account in the event of any further complaint.
- 7.3 In an attempt to reduce speculation at any stage of the complaint and/or at its resolution it may be desirable to issue a statement, agreed by all parties to other employees in the workplace.
- 7.4 A review period, and the time scale for this, will be agreed and involve all parties involved following the resolution of the complaint. The review will be completed by the line manager (or appropriate officer if the complaint was against the line manager) to ensure that the matter has been successfully concluded.
- 7.5 During the review period support and informal counselling will be offered to all parties involved (including witnesses) to assist them to move on from the incident and aid them in returning to normal working life.
- 7.6 Where an allegation is not upheld, it does not necessarily mean that the complaint by the individual was not justified, and therefore should not automatically be interpreted this way .

## 8.0 Support

- 8.1 Management support and guidance will be offered to all parties (including witnesses) to support them throughout the process, and whilst this is not compulsory it is highly recommended.
- 8.2 In some circumstances formal counselling may be appropriate, this will be arranged following advice from the Occupational Health Advisor.
- 8.3 In some circumstances an individual involved in the complaint may feel that they cannot continue to work in their substantive post during the course of the investigation. In this circumstance temporary redeployment may be requested but the investigating officer in conjunction with Human Resources will make the decision as to the appropriateness of this action.
- 8.4 In serious cases the alleged harasser may be suspended in accordance with the Disciplinary Procedure.
- 8.5 If an individual has sickness related absence prior to or during an investigation this will be managed in line with the [Managing Attendance procedure](#),

## 9.0 Monitoring

- 9.1 The Human Resources section will monitor all formally reported incidents of bullying, intimidation or harassment, and liaise with the Council's Principal Equalities Officer.
- 9.2 Corporate equalities monitoring will be extended to include all 6 strands of discrimination, and such incidents should include bullying, intimidation or harassment of a discriminatory (in the legal context) nature.

Further Reference: [Grievance Procedure](#)  
[Grievance Form](#)

General Guidance to Employees on Stopping Harassment/ Discrimination  
Managers Guidance Notes

[Employees Guidance Notes](#)

[Equality Act – ACAS Employer Guide](#)

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### Background Information

Document Purpose	To provide consistency and equality in ensuring that no one is treated in any way less favourably on the grounds of personal differences such as race; colour; national, ethnic or social origin; gender (including reassigned gender); sexual orientation; religious belief; age; disability; marital status; caring responsibilities or political or other personal beliefs.
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Copyright © North East Lincolnshire Council	All rights reserved including the right of reproduction in whole or in part in any form or by any means without the permission of the Author/Publisher.
Equalities Impact Assessed	No
Lead Officer	Joy Walker, HR Team Manager (Interim) Policy, Information, Efficiency & Reward Team
Action Plan with Recommendations Produced	Not Applicable
Council Plan Strategic Aims	High – Be an effective and efficient Council.
Effective Date	Jan 2011
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Reason for Review	<ul style="list-style-type: none"> <li>• Ensure clarity of the procedure</li> <li>• New Policy Template</li> <li>• Changes required following Equality Act October 1<sup>st</sup> 2010</li> </ul>
Sections Changed	