

FAREHAM

BOROUGH COUNCIL

FAREHAM BOROUGH COUNCIL DIGNITY AT WORK POLICY

June 2022

SECTION ONE – INTRODUCTION

1. POLICY STATEMENT

Fareham Borough Council is committed to creating a positive and safe working environment for all employees and members. The spirit of equality underpins every aspect of working at Fareham Borough Council and we want to ensure that diversity is celebrated across the organisation and reflects the local community. Everyone is entitled to dignity and respect at work and reasonable adjustments will be made where appropriate. Councillors are committed to promoting equality of opportunities and as such have adopted the spirit of the dignity at work policy.

If any individual feels they're not being treated with respect in accordance with the Code of Conduct, they have the right to challenge such behaviour and/or raise a complaint. All employees are encouraged to challenge unacceptable behaviour.

This policy has been developed with due regard to the Equality Act 2010, the ACAS guidance, the Council's [Protocol for Member/Officer Relations](#) as well as other internal Council policies. Other relevant legislation regarding equality and diversity will be adhered to in all circumstances. The Council has clear standards of behaviour outlined in the Code of Conduct.

Unacceptable behaviour is not tolerated at Fareham Borough Council and such behaviour will be dealt with under the Disciplinary Procedure. Fareham Borough Council provides access to independent and confidential counselling to all employees and may be requested at any time.

2. PRINCIPLES

- Honesty – all employees are expected to be truthful and open about decisions and actions taken.
- Trust and Respect – all employees must treat others with trust and respect to create and maintain a safe and positive environment. Mutual respect is expected across the Council and abuse of this will be addressed.
- Accountability – all employees must be accountable for their actions.
- Confidentiality – all information relating to the procedure will remain confidential and not shared with anyone not involved in the procedure. This follows the General Data Protection Regulations 2018 (GDPR).

3. SCOPE

This policy applies to everyone involved with Fareham Borough Council.

Individuals engaging in work with the Council via an external employment agency should inform their agency of any issues and will raise it with the Council on their behalf.

4. RESPONSIBILITIES

Managers must:

- Ensure that this policy is communicated to all employees
- Set a good example
- Take complaints seriously and deal with them promptly
- Be alert to and correct unacceptable behaviour as it happens

Employees must:

- Ensure that they promote a safe and positive working environment for all
- Challenge unacceptable behaviour as it happens
- Support colleagues

HR must:

- Ensure that this policy is applied appropriately and fairly and in conjunction with all other Council policies
- Provide advice and support to enable to effective handling of complaints
- Deal with issues promptly
- Organise support for employees affected by unacceptable behaviour

Members must:

- Behave in a which encourages a safe and positive working environment for all
- Comply with the Protocol for Member/Officer Relations and maintain professional relationships with other Members and Council Officers

Recognised Trade Unions are a source of advice and support for members where they have been a witness of, a victim or are accused of unacceptable behaviour. Employees are encouraged to speak to their representatives who can provide representation where applicable.

5. DEFINITIONS

Bullying

Bullying is unwanted offensive, intimidating or insulting behaviour, an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

Harassment

Under the Equality Act 2010, harassment is defined as “unwanted conduct related to a relevant protected characteristic which has the purpose of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual”. Though equality legislation only covers protected characteristics, Fareham Borough Council will not tolerate harassment towards any person. There is an expectation that everyone is treated with dignity and respect. The protected characteristics are listed in Appendix 1.

Victimisation

For the purposes of this policy, victimisation is defined as “less favourable treatment of an individual because they’ve made a complaint or intend to make a complaint about bullying or harassment”.

Unacceptable behaviour

There is no single definition of what unacceptable behaviour may be, but for this policy, it refers to bullying, harassment and victimisation.

Examples of actions that may be considered bullying and/or harassment are listed in Appendix 2.

6. REVIEW

This policy will be kept under review and updated from time to time. Any amendments needed in light of developments in legislation will be made in consultation with recognised trade unions.

Any amendments will only be introduced after reasonable notice has been given to all employees.

SECTION 2 – THE PROCEDURE

1. INFORMAL PROCEDURE

Complaints should be resolved informally wherever possible. If complaints are considered to be more severe then they may be dealt with formally. A corporate overview of what is considered severe will be used to maintain consistency. Mediation will be offered to resolve any issues at informal and formal stages of the procedure.

In the first instance, it's encouraged to raise the issue directly with the individual creating the problem. They may not be aware of the impact of their behaviour and raising the issue with them may resolve the matter. If the employee isn't comfortable doing this, they may raise the issue with their line manager, Head of Service or with HR who will deal with the matter on their behalf.

Once the individual has raised a complaint, a remedial meeting may be arranged with the individual and the person who has had the complaint made against them within 3 working days. The aim of the meeting is to obtain agreement for the behaviour to stop. Both parties are entitled to representation. If agreement cannot be reached it may be necessary to move to the formal procedure. A record of all discussions and outcomes will be kept on all individual's HR files.

2. FORMAL PROCEDURE

Any complaint received that's to be dealt with formally must be investigated as soon as possible in conjunction with HR. Complaints must be raised in accordance with the Council's Grievance procedure. Once the complaint has been received by HR, both the individual and the alleged harasser will have opportunity to explain their version of events.

If it's decided that there is a case to answer, a disciplinary hearing will be held in accordance with the Disciplinary Procedure. If it's decided that there is **no** case to answer, both parties will receive written confirmation of any agreed outcomes which will be kept on their HR files, along with any notes from the meetings.

If the individual making the complaint is dissatisfied with the outcome, there is a right of appeal, as per the Grievance Procedure.

If the situation involves individuals where the Council's employment procedures cannot be applied, complaints will be dealt with in another appropriate way.

APPENDIX 1

Overview of Legislation

The Equality Act 2010 outlines the following protected characteristics:

1. Age
2. Gender reassignment
3. Disability
4. Marriage and Civil Partnership
5. Pregnancy and Maternity
6. Race
7. Religion or belief
8. Sex
9. Sexual Orientation

Under the Equality Act 2010, it's unlawful to discriminate against anyone with a protected characteristic.

Types of discrimination

- Direct discrimination – being treated less favourably than another person because they have a protected characteristic; or because they're thought to have a protected characteristic (discriminations by perception); or because they're associated with someone who has a protected characteristic (discrimination by association).
 - Discrimination by perception – occurs when a person is discriminated against because they're thought to have a particular protected characteristic, even if they don't.
 - Discrimination by association – occurs when a person is treated less favourably because they're associated with someone who has a protected characteristic e.g. a child, partner, parent or friend.
- Indirect discrimination – when an organisation's policies or practices apply to everyone but disadvantage individuals with a certain protected characteristic

APPENDIX 2

NOTE: The below examples of behaviour are not exhaustive lists and HR reserve the right to decide what behaviours are considered unacceptable.

Examples of bullying may include:

- a) Exclusion with negative consequences
- b) Verbal abuse and/or insults
- c) Persistently ignoring or patronising an individual
- d) Being treated less favourably than a colleague
- e) Persistent unjustified criticism
- f) Being pressured into behaviours
- g) Intimidation
- h) Blame for things out of the individual's control
- i) Spreading rumours about an individual
- j) Unfair allocation of workload and responsibilities
- k) Setting unfair and unrealistic targets
- l) Preventing an individual's progress by blocking promotion, training opportunities or withholding information
- m) Imposing unfair sanctions

Examples of harassment may include:

- a) Unwanted physical contact
- b) Unwelcome communication (written or visual) such as posters, graffiti or gestures
- c) Intrusive questioning
- d) Publicising or threatening to publicise personal information of an individual
- e) Misuse of the internet and social media to upset, embarrass or harass someone
- f) Isolation or exclusion from events
- g) Ridicule or demeaning an individual
- h) Misuse of power or position
- i) Unwelcome sexual advances
- j) Telling jokes that could be considered offensive
- k) Violence or the threat of violence