

Dignity in the Workplace
Policy
2022

Devizes Town Council

DIGNITY IN THE WORK PLACE

1) PURPOSE

We are committed to creating and fostering a culture that promotes respect for each other and values individual differences. There is no place for any form of harassment, victimisation or bullying within Devizes Town Council, inclusive of members and staff. Such behaviour is contrary to our values and diminishes the dignity and integrity of all affected parties.

Everyone should be treated with dignity and respect in their working environment (including any work-related setting outside the workplace, for example business trips and work-related social events or through the use of social media).

Treating people in a manner which is disrespectful and does not value difference can make people unhappy, cause them stress, and affect their physical and mental health, and have an adverse effect on their work performance. It may also affect family and social relationships and could cause them to feel they are no longer valued prompting them to leave Devizes Town Council.

We are committed to a zero-tolerance policy towards any form of discrimination or unacceptable behaviour.

Within Devizes Town Council, all councillors and staff are expected to treat each other with respect whatever their differences, grade level, job role or relationship.

As a councillor or employee your responsibilities are:

1. To ensure that the rights of others are respected and upheld;
2. To be polite and take a positive, responsive and considerate approach when dealing with the public, colleagues and other agencies;
3. To support and encourage an environment which values all people and not to cause embarrassment, conflict of interest, harassment, alarm or distress to another employee/member nor discriminate unfairly or unlawfully on any grounds;
4. To avoid actions which may adversely affect the reputation of the Council
5. To maintain a professional approach to your work, colleagues and councillors
6. To conduct yourself in accordance with the procedures and guidance set out in the Council's Code of Conduct for both Councillors and Staff.

2. EQUALITY ACT 2010

The Equality Act 2010 outlines the provisions for employers in relation to making the workplace a fair environment and to comply with the law. It also sets out the different ways in which it is unlawful to treat someone, such as, direct and indirect discrimination, harassment, victimisation and failing to make reasonable adjustments for a disabled person. As an employer, the Council is responsible for the prevention of bullying, harassment, discrimination and victimisation and other unacceptable behaviour within the workplace.

2.1) The Act extends protection to employees in 'protected characteristic' groups. These include:

1. Age

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2. Disability
3. Gender Reassignment
4. Marriage and Civil Partnership
5. Pregnancy and Maternity
6. Race (including ethnic origin, nationality and colour)
7. Religion or Belief
8. Sex; and Sexual Orientation.
9. Harassment

2.2) Harassment and bullying on the basis of protected characteristics is discriminatory and unlawful. The Act defines harassment as:

'Unwanted conduct related to a relevant protected characteristic that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant or violating the complainant's dignity'.

2.3) The Act uses a single definition of harassment to cover protected characteristics and enables employees to complain about specific behaviour that they find offensive even if the behaviour is not directed at them. Protection is also extended to harassment because of perception and association. Harassment may be a persistent or an isolated incident and can be based on protected characteristics.

2.4) The legislation offers protection to employees and councillors in relation to:

1. Direct Discrimination can occur when a rule or policy disadvantages someone because of their particular characteristic.
2. Indirect Discrimination – can occur where a rule or policy that applies to everyone but disadvantages someone with a particular protected characteristic. However, it may not be discrimination if it can be shown to be a proportionate means of achieving a legitimate aim.
3. Discrimination by association – is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
4. Discrimination by perception – is direct discrimination against someone because they think they possess a particular protected characteristic.
5. Harassment by a third party – employees are potentially liable for harassment of their staff by people they don't employ.

3. DISCRIMINATORY BEHAVIOURS

Discriminatory behaviour (including bullying and harassment) can occur on the basis of actual or perceived group membership or affiliation.

Victimisation occurs when an employee or member is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so. An employee or member is not protected from victimisation if they have maliciously made or supported an untrue complaint.

4). BULLYING

Bullying is considered as:

'Intimidation on a regular and persistent basis or as a one off, which serves to undermine the competence, effectiveness, confidence and integrity of the person on the receiving end.'

4.1) Bullying and harassment may be by an individual against an individual or involve groups of people. It is destructive rather than constructive and can publicly humiliate and result in individuals feeling threatened or compromised. Bullying also often results from a misuse of management power, but is also the misuse of any form of individual power, such as physical strength, personality or age, or collective power through strength of numbers.

Bullying can also be carried out by staff at all levels, including peers.

4.2) For the purposes of this policy, both bullying and harassment are used interchangeably and are not necessarily the same. They may occur in written or face to face communications, electronic communication or by phone. Whatever form it takes, it is unacceptable, unwarranted and unwelcome.

5 DIGNITY AT WORK FRAMEWORK

5.1) Devizes Town Council acknowledges that bullying, harassment and victimisation are discriminatory and unlawful and we view unfair and discriminatory behaviour as unacceptable. We recognise the impact that unacceptable behaviour can have within the workplace and the resultant impact on poor employee/councillor relations, low morale, inefficiency and increased complaints. We are committed to taking the appropriate steps to prevent bullying, harassment, victimisation and discrimination within the workplace. The Dignity at Work framework plays an important role in prevention.

The Dignity at Work Policy plays an important part in preventing staff and councillors from experiencing bullying and harassment whilst at work and ensures all staff and councillors are clear about what is acceptable behaviour in the workplace.

5.2) The Dignity at Work framework outlines that:

All employees and councillors are entitled:

1. To a workplace free from bullying, harassment or victimisation.
2. To be treated with dignity, respect and courtesy.
3. To experience no form of discrimination.
4. To be valued for their skills and abilities.

5.3) It is essential that unfair and discriminatory behaviour is challenged and stopped within the council / workplace. Unfair and discriminatory behaviour can be addressed through both informal and formal means. The Grievance Policy provides the framework and mechanism for staff to formally address unacceptable behaviour and to have any complaints resolved.

5.4) The policy ensures that all genuine complaints and concerns raised by employees and councillors will be treated seriously and sensitively with proper investigation; proportionate to the issues raised and carried out in as timely a manner as possible.

5.5) The Dignity at Work Framework therefore enables employees and councillors to identify and challenge unacceptable behaviour by invoking the Grievance Policy:

1. Towards them individually or as part of a group.
2. Towards others within Devizes Town Council.
3. From non-DTC employees.

5.6) All employees and councillors are entitled to challenge behaviour that they find offensive even if it is not directed at them. Employees and councillors who wish to complain are also not required to possess specific protected characteristics in order to challenge behaviour as it can be due to perceptions or association.

5.7) All employees and councillors are also entitled to challenge unacceptable behaviour from non–Town Council employees (third parties). The Town Council must take appropriate steps to prevent unacceptable behaviour by third parties whenever possible.

5.8) If you are subject to or witness unacceptable behaviour either directly or by association or perception you can make use of the Grievance Procedure.

5.9) Unacceptable and inappropriate behaviour is considered a breach of the Council's Code of Conduct and may result in action being taken under the Disciplinary Procedure, where appropriate or through the standards committee.

Definition of 'Unacceptable Behaviour'

5.10) There is no absolute definition of what 'unacceptable behaviour' is as it is the effect the behaviour has on the recipient that often makes it 'unacceptable'.

Discriminatory behaviour can occur on the basis of perceived group membership, affiliation or association, but a test of reasonableness does need to be applied by any person or groups assessing if there is a breach of the policy.

5.11) Behaviour that is unwanted, unwelcome and undermines an individual's dignity at work is unacceptable behaviour. This includes behaviour that might unreasonably threaten job security, promotion prospects or create an intimidating working environment. Behaviour

may be perceived as unacceptable, even if there was no intent to cause offence.

Behaviour may also have overtones that a member of staff finds offensive, even if it was not directed at them.

5.12) Unacceptable behaviour can take many forms and can range from physical attack to more subtle conduct. It can also include behaviour, which deliberately or inadvertently excludes individuals from normal activities in the workplace.

5.13) Unacceptable behaviour excludes legitimate actions by a manager to support and encourage an employee to perform against key objectives and to manage performance appropriately. It also excludes legitimate actions taken within the disciplinary or other formal procedures. It does not exclude persons in authority who use their position to bully, abuse or harass others, or assume a threatening or intimidating management style. Practices, which are discriminatory or potentially discriminatory, do not count as legitimate action (for example, holding a team meeting at 7.30am, which can be potentially discriminatory against those with childcare or other responsibilities for dependants).

Responsibility for Dignity at Work – Standards of Behaviour

5.14) Councillor and managers at all levels have responsibility for upholding the standards of behaviour outlined in this framework. All staff are responsible for their own behaviour within the workplace and to take the necessary steps to change their own inappropriate behaviour, as well as to challenge unacceptable behaviour in others and support colleagues in maintaining acceptable behaviour in the workplace.

5.15) These standards of behaviour cover relationships between:

Agreed March 2022

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1. Councillors, Managers and staff they manage (including the way that staff behave towards their managers and members).
2. Staff as a peer group (a team).
3. Permanent, fixed term and agency staff.
4. Devizes Town Council staff and third parties.
5. All Council Members, Managers and Staff have a shared responsibility to create an environment where equality and diversity can be effectively embedded within the organisation and where people's differences are genuinely respected.
6. Members and Senior Managers are responsible for ensuring that these standards of behaviour are communicated and understood by all staff. They are also responsible for setting the standard and ensuring that their own behaviour is of the highest standard and that appropriate and prompt action is taken if unacceptable or offensive behaviour is identified.
7. All Members and Managers are responsible for upholding these standards of behaviour and leading by example by treating all employees with dignity and respect. They are responsible for ensuring that all their staff are aware of the behaviour expected of them and that unacceptable behaviour is challenged and corrected.

Everyone is responsible for ensuring that:

1. They understand what these standards of behaviour required of them are and, that their conduct does not cause offence;
2. They should be prepared to support colleagues who are being harassed, bullied, victimised or discriminated against;
3. They speak out against unacceptable behaviour that they may have witnessed;
4. They should be prepared to challenge and when necessary complain about unacceptable behaviour even if it is not directed at them;
5. They should be prepared to challenge all unacceptable behaviour on the basis of perception or association of protected characteristics.

Enforcement and Monitoring

5.16) Responsibility for implementing or initiating action in relation to these standards of behaviour are the same as for complaints. The Dignity at Work framework will be enforced through informal resolution, the Grievance Policy and Procedure and the Disciplinary Procedure, where appropriate.

5.17) This Dignity at Work Framework explains and outlines some examples of behaviour which may be perceived as unacceptable within the workplace, particularly in relation to protected characteristics.

5.18) Breaches of the Dignity at Work Policy will be considered to be a breach of discipline which could lead to disciplinary proceedings, the ultimate sanction being dismissal.