



**FAREHAM** BOROUGH  
COUNCIL

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**CODE OF PRACTICE FOR ENSURING  
DIGNITY AT WORK**

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# FAREHAM BOROUGH COUNCIL CODE OF PRACTICE FOR ENSURING DIGNITY AT WORK

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## **SECTION 1 – FOREWARD**

Fareham Borough Council believes that all employees have a right to expect to be treated with respect and dignity, equally all employees are expected to treat others in a similar way. Unacceptable behaviour must be identified and dealt with in accordance with the procedure to ensure dignity at work.

This policy conveys Fareham Borough Council's position and view about the standards of behaviour that all employees have a right to expect and are expected to show to others, and how to identify and deal with unacceptable behaviour.

It is important to provide a working environment which values the contribution all its employees make to the efficient delivery of quality services. It recognises that the contribution of employees will be effective in conditions which are free of unnecessary anxiety, stress and fear, and these conditions are more likely to flourish in an environment which respects the rights of individuals and is concerned with maintaining their Dignity at Work.

Health and Safety legislation is also significant, the Health and Safety at Work Act 1974 states that every employer should “ensure, as far as is reasonably practicable, the health, safety and welfare at work of all employees.” The working environment should be “safe and without health risks, including arrangements for the welfare of employees while at work.” Employers are liable for the actions of their employee's while at work even if the employer is not aware of the employee's action.

The Council's Code of Practice on ensuring Equal Opportunity in Employment also relates to Dignity at Work, and states that all members of the local community, customers and other employees have a right to be treated with fairness and equity. This makes equal opportunities a cornerstone of our work and makes good business sense.

Allegations of harassment or bullying will be treated seriously and confidentially. Employees must be protected against victimisation for making or being involved in a complaint. Harassment can be defined as behaviour or remarks that cause offence and, threaten, humiliate or embarrass. Harassment can be unlawful and employers may be liable for the behaviour of their employees. All forms of harassment can have an adverse effect on job performance, attendance, employee turnover, morale and health. It is a serious issue, which requires recognition and action.

Harassment has been held to constitute discrimination under the Sex Discrimination Act 1975, the Race Discrimination Act 1976, and the Disability Discrimination Act 1995. A new criminal offence of ‘intentional harassment’ has been created in the Criminal Justice and Public Order Act 1994. This provision covers all kinds of harassment and includes, for example, harassment on the grounds of race, gender, disability and sexual orientation. The offence is committed if a person, “with intent to cause a person harassment, alarm or distress”, uses threatening, abusive behaviour or insulting language or behaviour, or disorderly behaviour, or displays any writing, sign or other visible representation which is threatening, abusive or insulting.

The Council recognises that whatever the form of harassment or bullying, it is unwanted behaviour, which is unwelcome, unpleasant, undermines people's dignity and has a negative impact on morale, performance and the provision of services. For these reasons it will not be tolerated. Accordingly the Council encourages all employees to behave in an appropriate manner at all times. It is vital that no one is disadvantaged or feels disadvantaged by the nature of their gender, race or ethnic origin, marital status, disability, age, sexual orientation, gender reassignment, HIV status or religion. Whilst a breach of this policy could render the employee(s) responsible liable for disciplinary action, the aim of the policy is to draw attention to, and thereby ensure Dignity at Work.

All employees need to acknowledge that issues around Dignity at Work are serious, a framework should be worked within that allows issues to be raised locally, dealt with promptly and resolved in a way that takes account of the needs and expectations of everyone involved. Everyone must be encouraged to make a positive contribution, through their behaviour, attitudes and actions, to promote dignity at work for all.

## **SECTION 2 – PERFORMANCE STANDARDS**

### **1. Purpose**

- 1.1 To meet the code of practice, legislative requirements and the Council's aim of achieving fairness and equity within dignity at work;
- 1.2 To ensure that appropriate management action is taken to promote the health and welfare of employees and to minimise the cost and disruption to work caused by harassment;
- 1.3 To encourage openness, fairness and best practice in all aspects of the customer, employer and employee relationship.

### **2.0 Standards**

Managers must ensure that:

#### **2.1 Management Action**

Management action taken in accordance with:

- the disciplinary code of practice
- the grievance procedure
- the equal opportunity code of practice
- the code of practice for managing sickness absence
- the code of practice for dealing with incapability due to lack of skill or aptitude; and
- any other management policy and/or procedure is fair, unbiased and consistent.

2.1.1 they set a good example by treating all employees, customers and members with dignity and respect.

2.1.2 they are alert to, and correct unacceptable behaviour.

2.1.3 employees know how to raise harassment problems.

2.1.4 they deal with any complaints fairly, thoroughly, quickly and confidentially, respecting the rights of all the parties.

2.1.5 they are aware that it is the deed itself and the impact on the employee, which determines what constitutes harassment, not the intention of the perpetrator.

2.1.6 employees are made aware that unfair discrimination; victimisation, harassment and bullying are treated as disciplinary offences, and of the consequences of such behaviour.

2.1.7 all cases of discrimination, victimisation and harassment are treated seriously and where necessary disciplinary action is taken which may include dismissal.

2.1.8 as part of the health and safety risk assessment, foreseeable sources of harassment are identified and the necessary action is taken to eliminate the risk so far, as is reasonably practicable.

## **2.2 Communication**

2.2.1 they are fully conversant with and trained in the operation of the Council's code of practice for ensuring Dignity at Work;

2.2.2 all employees, for whom they are responsible, including temporary, casual and agency employees, are fully conversant with the code and the Council's Dignity reporting procedures;

2.2.3 they are aware of the use of employee counselling to assist with harassment cases, and know to whom such cases maybe referred if specialist help is required;

2.2.4 the code of practice is reviewed regularly in terms of its scope and the effectiveness of measures taken;

## **2.3 Induction**

2.3.1 the code of practice for ensuring dignity at work in employment forms an integral part of the induction process for new managers and employees;

2.3.2 the code of practice is available on the Intranet.

## **2.4 Employees must ensure that:**

2.4.1 they observe the Council's commitment to openness and fairness to all members of the community and employees;

2.4.2 they make a positive personal contribution to dignity at work, through their own particular needs and requirements; and

2.4.3 every person is treated equally, fairly and with respect, taking into consideration their own particular needs and requirements; and

2.4.4 actively support training and development programmes.

## **3 Legal Requirements**

3.1 EU Commission code on the Protection of Dignity of Men and Women at Work. This sets out employers' responsibilities and makes recommendations on steps that can be taken to prevent harassment at work and, if it does occur, outlines procedures that can be followed to

deal with the problem and prevent its recurrence.

- 3.2 The Race Discrimination Act 1976 and Sex Discrimination Act 1975 and 1986 prohibit direct or indirect discrimination on the grounds of race, colour, ethnic origin, sex or marital status.
- 3.3 Health and Safety at Work Act 1974 states that that every employer should “ensure, as far as is reasonably practicable, the health, safety and welfare at work of all employees.” The working environment should be “safe and without health risks, including arrangements for the welfare of employees while at work.” Employers are liable for the actions of their employee’s while at work even if the employer is not aware of the employee’s action.
- 3.4 The Criminal Justice and Public Order Act 1994 covers all kinds of harassment on the grounds of race, gender, disability and sexual orientation.

#### **4 Reference Documents**

NJC for Local Government Services Green Book  
 Race Relations Act 1976  
 Sex Discrimination Act 1975  
 The Disability Discrimination Act 1995  
 Commission for Racial Equality Code of Practice  
 European Commission on Dignity at Work  
 Dignity at Work Code of Practice  
 The Criminal Justice and Public Order Act 1994  
 The Employment Rights Act 1996



## **SECTION 3 – INTRODUCTION**

### **A Preamble**

The Council's Dignity at Work policy and procedures aim to establish and maintain appropriate standards of behaviour that all employees have a right to expect and are expected to show to others, and how to identify and deal with unacceptable behaviour.

It is important that managers and employees accept responsibility for maintaining standards of behaviour, not only their own interests but also in the interests of the Council and the community it serves.

### **Principles on which the Policy is based**

#### **Who can be harassed?**

Potentially anyone can be harassed. Employees can be harassed by co-workers, managers, and supervisors, as well as by clients, contractors and customers. Harassing behaviour can also be distressing for other people witnessing it. An atmosphere and culture needs to be created in which all employees feel able to raise concerns for themselves and others and know that they will be treated fairly and seriously and not victimised.

Employees experiencing harassing behaviour are often vulnerable and reluctant to complain. They may feel that if they make a complaint it could be trivialised and they could be accused of being oversensitive; they may prefer to suffer in silence rather than risk reprisals or victimisation.

#### **Features of harassing behaviour**

The most significant feature of harassing behaviour is its offensiveness to the recipient, not the intention behind it. Behaviour that one person may tolerate can cause severe distress to another. Harassing behaviour can consist of the following:

- unwanted physical contact;
- physical attacks or threats;
- remarks about a person's appearance;
- telling offensive jokes, using offensive language, gossip;
- verbal abuse or using offensive names;
- displaying offensive posters, graffiti, emblems;

- intrusive behaviour such as staring, pestering or spying;
- isolation or non-co-operation at work;
- coercion ranging from pressure for sexual favours, to participating in political groups.

### **Why harassment has to be tackled**

Harassment is ultimately damaging to both employees and Fareham Borough Council because it:

- causes tension and conflict which is disruptive;
- creates a culture which perpetuates disadvantage and negative attitudes;
- is costly in terms of time, money, reputation and physical well being.

### **Who can be bullied?**

Bullying is the misuse of power or position. Bullying behaviour persistently criticises, condemns and humiliates people and can undermine their ability to the extent that they lose self-confidence. Employees can be singled out for a wide range of reasons. They include:

- popularity;
- success, achievement or high qualifications;
- efficiency;
- organisational expertise;
- age, marital or family status, gender, race, religion, disability or sexual orientation;
- social background, over-enthusiasm or over-inquisitiveness;
- creative talent;
- knowledge of personal indiscretion.

### **Features of bullying behaviour**

Bullying behaviour persistently criticises, condemns and humiliates people and can undermine their ability to the extent that they lose self-

confidence. Features include:

- shouting or screaming at employees, either in public or in private;
- causing embarrassment in front of colleagues or public humiliation;
- persistent criticism;
- persecution through threats and the inspiration of fear;
- removal of areas of responsibility;
- setting up an individual to fail;
- blocking applications for, training or promotion.

### **Support Awareness**

An employee who is being harassed or bullied should consider contacting their trade union representative, manager or a member of Personnel, who can advise them on what course of action is available to them.

## **B Policy Statement**

Fareham Borough Council is an equal opportunity employer and bases its employment practices on the concept of equality of opportunity. It is committed to openness and fairness to all employees and members of the community. It recognises that the contribution of employees will be most effective in conditions which are free of unnecessary anxiety, stress and fear, and that these conditions are more likely to flourish in an environment which respects the rights of individuals and is concerned with maintaining their Dignity at Work.

The Council recognises that whatever the form of harassment, it is unwanted behaviour, which is unwelcome, unpleasant, undermines people's dignity and has a negative impact on morale, performance and the provision of services. For these reasons it will not be tolerated.

It is every employee's responsibility not to practice or encourage any form of behaviour, which may be viewed by others as harassment. Employees can do much to discourage harassment by making it clear they find such behaviour unacceptable, by refusing to collude in any way when it occurs and, by supporting colleagues who suffer such treatment and are considering making a complaint.

We require our managers to exercise leadership in this field by discouraging prejudice and by role-modelling appropriate behaviour. We will ensure that all managers and employees are aware of their

individual responsibilities to promote open and fair treatment and to prevent disadvantage and discrimination. We will treat seriously all cases of discrimination, victimisation, harassment and bullying. Where necessary, disciplinary action will be taken which may include dismissal. We will regularly review our policies and practices to make sure that they are appropriate and operating effectively.

## **C Scope of the Procedure**

The procedure applies to employees working under conditions of services laid down by: -

Joint Negotiating Committee for Chief Executives of Local Authorities

Joint Negotiating Committee for Chief Officers of Local Authorities

National Joint Council for Local Government Services

Joint Negotiating Committee for Local Authorities' Services (Building & Civil Engineering)

Joint Negotiating Committee for Local Authorities' Services (Engineering Craftsmen)

Standing Conference for Electricians

Standing Conference for Heating, Ventilating and Domestic Engineers.

and has been developed in consultation with the following trade unions:

UNISON

Electrical, Electronic, Telecommunication and Plumbing Union

Transport and General Workers Union

Union of Construction, Allied Trades and Technicians

## **SECTION 4 – PROCEDURE**

### **1.0 Introduction**

Fareham Borough Council is committed to promoting an environment where all employees are given the dignity and respect to which they are entitled. To be successful we must adopt practices and motivate our employees to create a working environment which encourages high performance, trust and co-operation between individuals, teams and services.

An employer is liable for the discriminatory acts of employees carried out within the course of their employment whether or not these acts have the approval of, or is known about, by the employer.

Although neither sexual nor racial harassment is specifically defined in the Sex Discrimination Act 1975 or the Race Relations Act 1976, case law clearly establishes that harassment is unlawful discrimination. A new criminal offence of 'intentional harassment' has been created in the Criminal Justice and Public Order Act 1994 and this covers all forms of harassment. Under the Disability Discrimination Act 1995, it is unlawful for us to discriminate against a disabled person's disability mainly in respect of selection arrangements, recruitment, promotion, training, terms of employment, benefits, working conditions, and dismissal.

It is every employee's responsibility not to practice or encourage any form of behaviour, which may be viewed by others as harassment. Employees can do much to discourage harassment by making it clear they find such behaviour unacceptable, by refusing to collude in any way when it occurs and, by supporting colleagues who suffer such treatment and are considering making a complaint.

Breaches of this policy will be treated seriously and may result in disciplinary action.

### **2.0 Complaints**

An employee who makes a complaint about harassment or bullying will generally only do so after having considered the matter very carefully. Quite often they will feel that relationships have deteriorated to such an extent that making a complaint is the only way to improve the situation.

Any complaint will be treated seriously and the person making the complaint must not be viewed as a troublemaker or as having failed in some way.

### **3.0 Informal Procedure**

- 3.1 Complaints should be resolved informally whenever this is possible. This approach has many advantages as it:

- produces solutions which are speedy and effective;
- reduces embarrassment and risk of breaching confidentiality;
- minimises disruption at work.

Practice has shown that most complaints can be resolved informally. This usually succeeds when the person making the complaint feels that it has been:

- taken seriously;
- investigated impartially and thoroughly;
- addressed by remedial action which has been put in place promptly.

In general terms, the option on which approach to use should be discussed with the employee complaining of harassment or bullying.

It may be more appropriate to use an informal route particularly if the person making the complaint prefers to take a more informal approach. However, the seriousness of the incident(s) may mean that it goes straight to the formal stage.

- 3.2 Where a harassed or bullied employee finds it difficult or embarrassing to raise the problem directly with the person creating the problem, they may seek support. This can be obtained either through their manager/supervisor, trade union representative. Alternatively, advice can be sought from the Personnel Services Business Unit who can act on their behalf. This way, an informal solution can be sought either by accompanying the harassed employee or by seeing the "harasser/bully" separately.
- 3.3 The aim of the meeting is to ascertain whether the alleged harasser/bully agrees that the behaviour occurred, irrespective of intention, and to obtain an agreement to cease the behaviour. The confidentiality of all parties must be maintained at all times. If agreement cannot be reached, it may be necessary to move to the formal procedure. If the employee is complaining about the behaviour of their manager or supervisor, the approach may need to be different. It may be necessary to have another person present to support them, for example a colleague, friend or trade union representative.
- 3.4 A record must be kept of the discussions and the outcome that is to be achieved, eg. Identifying the change in behaviour required.

#### **4.0 Formal Procedure**

Any manager receiving a formal complaint about alleged harassment

or bullying must investigate this as soon as possible together with a representative from Personnel. This should normally be commenced within hours rather than days. If it cannot be investigated within this timescale, it must be assigned to another manager who is unconnected with the complaint and who preferably has no direct personal knowledge of the complaint and alleged harassment or bullying (to avoid bias) who can investigate it within the timescale.

Manager's must ensure that maintaining confidentiality and providing the opportunity for their point of view or explanation of events to be expressed protects the rights of the alleged harasser or bully. They should also be given the opportunity to be accompanied by a trade union representative or colleague.

- 4.1 The alleged harasser or bully must be given a full and fair opportunity to explain his or her version of the events that have taken place. It is helpful to know the complainant's version of events before seeing the alleged harasser/bully. When interviewing an alleged harasser/bully, it is important to ask why he or she thinks the complainant feels they are being harassed/bullied. It will be necessary to find out what it is about their behaviour that presents problems for the employee.
- 4.2 If, after full and careful consideration of all the evidence, it is decided that there is a case to answer against the alleged harasser, in accordance with the Disciplinary Procedure a formal Disciplinary Hearing will be arranged.
- 4.3 If the harassee is dissatisfied with the decision he/she should be advised of his/her rights of appeal in accordance with the appeals procedure.
- 4.4 If the complaint involves elected members, clients, users of services, contractors or suppliers, it may not be possible to follow the formal procedure. However, the same general principles apply and should be adopted in association with any local external complaints procedure where appropriate. Complaints of this nature should be taken seriously and individuals offered advice and support as appropriate.

## **5.0 Malicious Allegations**

Any allegation of harassment or bullying which is found to be malicious will be treated as a disciplinary offence.

## **6.0 Monitoring**

- 6.1 The Personnel Services Business Unit will keep a record of harassment complaints and investigations. Apart from departmental use, this information will be used in confidential form for monitoring of the procedure.

## **SECTION 5 - PERFORMANCE INDICATORS**

The management of dignity is being conducted effectively when: -

1. The procedure is consistent with statutory requirements and the nature and needs of the business and management processes of the Council.
2. The procedure has been produced and brought to the attention of every employee.
3. Designated officers are competent in the exercise of their authority under the procedure and apply fully the policy.
4. Full and accurate records are kept of all formal meetings and absolute confidentiality maintained at all times.
5. Managers/supervisors to receive training in managing dignity at work. This covers: -
  - the policy and procedure
  - the advantage and benefits of maintaining dignity at work
  - their role in monitoring situations
  - basic counselling skills and identifying problem areas
6. Personnel Services to arrange for counselling where appropriate for employees.