



South
Cambridgeshire
District Council

DIGNITY AT WORK POLICY

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1.0 Introduction

The overall aim of this policy is to positively encourage and promote a working environment where all persons are treated with dignity and respect and the Council is committed to creating a fair and safe working environment where employees can work free from abusive, threatening or unwelcome behaviour.

The Council expects standards of behaviour that recognise and respect the dignity of all individuals at work and regards any form of harassment, victimisation, intimidation, bullying or discrimination as unacceptable behaviour.

The Council's policy is not confined only to actions occurring in the workplace or during working hours. It may extend to situations that occur outside working time but are related to the working environment.

Complaints of harassment and/or bullying or victimisation will be taken seriously and dealt with fairly, sensitively and confidentially.

The policy applies to all employees, apprentices and members. Dignity at work complaints relating to job applicants, contractors' sub-contractors, consultants, staff seconded from other organisations, agency workers, volunteers and work experience placements will be investigated and action taken to prevent re-occurrence using the general standards set out in this policy.

1.1 Accessibility Statement

In the application of this policy, the Council will make reasonable adjustments for employees who are unable to deal with written correspondence and requirements due to disability, or anyone who requires support or guidance in the interpretation and application of the policy.

1.2 Definitions

ACAS defines **bullying** as "*offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.*"

ACAS' definition of **harassment** is "*unwanted conduct affecting the dignity of men and women in the workplace. It may be related to...any personal characteristic of the individual, and may be persistent or an isolated incident.*" Examples of bullying and harassment can be found in Appendix D.

One severe incident may constitute bullying or harassment, or the behaviour may be repeated over a longer duration, and made up of several (sometimes more minor) incidents.

The terms bullying and harassment can often be used interchangeably, but generally bullying becomes harassment when the behaviour could potentially fall under anti-discrimination legislation. A claim can be made to an employment tribunal for bullying that amounts to harassment although, in severe circumstances claims of constructive/unfair dismissal, breach of contract, or unlawful discrimination could be made because of bullying.

It is important to note that harassment can take place through electronic media. This can take place through for example, email, instant messaging, social networking websites (e.g. Facebook, Twitter, blogs), or text messages. When sending emails members of staff and clients, consideration should be given to the content, context, language and appropriateness of such communications, and bear in mind the Council's policy on social media use.

Victimisation occurs when an employee is treated badly because they have made or supported a complaint about discrimination in one way or another or raised a grievance

under the Equality Act; or because they are suspected of doing so. This would cover both those bringing cases under the legislation/Policy or acting as a witness in any investigation of a complaint.

1.3 Discrimination

Discrimination is treating someone less favourably because of a protected characteristic: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, ethnic origin or national origin), religion or belief, sex or sexual orientation. These are known as protected characteristics under the Equality Act 2010 (for details on protected characteristics please see [Acas advice: Equality | Discrimination](#)).

However, behaviour that is not related to any of the above characteristics can also fall under this policy if it is deemed to be offensive or inappropriate.

The Equality Act 2010 imposes a duty upon the Council as a public body to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation. As such the Council will take seriously any allegation made under this policy and invoke the formal procedure where it is deemed necessary.

Discrimination can take many forms, and need not be directly applied, examples of discrimination are provided in Appendix C. Discrimination may be perceived as a Hate Incident by the victim – see Section 1.6 below for further information.

1.4 Malicious Complaints

Malicious complaints are deemed to be unfounded allegations made by somebody who bears ill will towards another and who has the sole intention of causing that person harm. Evidence suggests that such complaints are rare. Where they occur, the complainant will be liable to disciplinary action.

1.5 3rd Party Harassment

In addition to deliberate harassment, bullying or victimisation, an employee's behaviour may unintentionally or intentionally give offence to others. The Council has a duty of care to deal with complaints made, even if the person complaining wasn't the person to whom the behaviour was directed. An allegation made by a bystander under this policy (another employee, a member, a contractor or member of the public) will be dealt with in the same way as if the individual/s to whom the behaviour was directed had raised the complaint.

Certain behaviour may constitute bullying or harassment or victimisation even if the individual to whom the behaviour was directed is not offended or does not make a complaint.

The Council's duty of care extends to instances and allegations of bullying and harassment between third parties during the course of the Council's work, for example at formal and informal meetings, community engagement events or sports activities.

1.6 Hate Crime/Incident

A **hate incident** is any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person perceives to be motivated by hostility or prejudice based on their disability, transgender identity, race, ethnicity or nationality, religion, faith or belief, gender or sexual orientation.

A **hate crime** is defined as any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual

orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.

Many of the examples of behaviours likely to constitute bullying and harassment, set out in Appendix D to this policy, may potentially be perceived as hate incidents by the victim.

Hate incidents and potential Hate Crimes should be reported to the Police using the advice and guidance from Cambridgeshire Constabulary, available at: https://www.cambs.police.uk/victims/hate_crime.asp

2 RESPONSIBILITIES UNDER THE POLICY

Everyone must recognise, acknowledge and value differences in all people, and treat others with consideration and courtesy. It is paramount that employees demonstrate the Council's values.

The Council

The Council will:

Advance equality of opportunity and foster good relations between those with and without protected characteristics

- Accept its legal and moral responsibility to provide a working environment or services free of harassment, bullying and victimisation to ensure that the Council has a welcoming and inclusive atmosphere for all.
- Take all allegations of bullying, harassment and victimisation seriously.
- Raise awareness of the policy with all employees and members.
- Inform all employees of the dignity at work policy and all new employee will receive a copy of the policy with their contract
- Provide training and guidance to all employees responsible for dealing with complaints under this policy

Employees Responsibilities

It is the responsibility of every employee to:

- Treat their colleagues with respect and dignity and to value everyone for their skill at work.
- Treat any other person whom they come into contact with as part of their work in a professional and appropriate manner.
- Behave in a way that is not offensive to others.
- Take responsibility for the atmosphere in which they work, and not to ignore behaviour that they believe to be inappropriate or offensive in any way.
- Report inappropriate behaviour or concerns

The principle is for all employees to value and respect the views and feelings of others.

Managers Responsibilities

All managers and supervisors have a positive duty to:

- Listen carefully to concerns and take them seriously. Be sensitive and offer support to employees who may be suffering from bullying or harassment and those against whom allegations have been made.
- Respond professionally to complaints that may arise in line with the policy guidelines.
- Explain and take responsibility for decisions, actions and their effect on employees.
- Demonstrate clear leadership and act as a role model. Set a clear and consistent behaviour code.

Council Members' Responsibilities

It is the responsibility of Members to ensure that their actions and conduct are beyond reproach when dealing with officers and members of the community in line with the Constitution - F. Members' Code of Conduct; H. Protocol on Member/Officer relations.

3 DIGNITY AT WORK PROCEDURES

The Council procedure consists of both informal and formal measures for dealing with complaints of harassment, bullying or victimisation. It is anticipated, that most concerns can be resolved informally at the outset. If such attempts prove unsuccessful, the formal procedure should be followed.

Harassment, bullying or victimisation at work can become particularly difficult where the alleged perpetrator is in a position of authority. The emphasis is on challenging and correcting unacceptable behaviour which individual employees, and ultimately the Council, finds offensive.

The process of dealing with complaints is confidential. Staff are entitled to confide in a close work colleague or trade union representative for support, but unnecessary gossip or open conversations among several colleagues is unacceptable.

3.1 Informal Procedure

If an employee is uncomfortable/unhappy with the behaviour of another person, he or she should consider raising his or her concern by:

Seeking Advice

The employee could raise their concerns with someone they feel they can trust. This could be a manager, a workplace friend or colleague, a Trade Union Representative, someone from the HR department.

On reflection and through discussions with others the employee may conclude that their concern has arisen due to a misunderstanding.

If not, through discussing the matter, the employee would have had the opportunity to discuss the most appropriate course of action in relation to the behaviour they regard as unacceptable or offensive.

In deciding on a course of action, the following matters should be given consideration:

- If the behaviour is out of character for the individual, or if there is a previous occurrence of the behaviour?
- The current working relationship between the individuals concerned?
- Whether there are any extenuating circumstances that may be affecting their behaviour (this does not make their behaviour acceptable, however it may mean that they may be more receptive to an informal conversation about the affect of their behaviour, and you may be able to make suggestions for how they could avoid repeating such behaviour)?
- The effect on the wider team/Council/bystanders?
- The potential effect on others if the behaviour were to reoccur?

Regardless of the decision made at that stage, it is recommended to keep a written account of the incident/s - what happened, the date and time, where it occurred and whether anyone else was present. Copies of anything relevant should be kept e.g. e-mails. The information may be useful if similar or further inappropriate behaviour is demonstrated, or be used as corroborating evidence if someone else raises a complaint against the same person/s.

N.B. Accounts of incidents taken in a management capacity or by HR will be subject to Data Protection and FOI

Informal action

Informal action could taken in the following ways:

- Approach the person considered to have used the inappropriate behaviour or language and explaining why it is unacceptable and requesting them to stop.
- If unable to approach the person, the unacceptable behaviour should be put in writing to them. Caution should be exercised as it is often difficult to convey tone in written form and words can be misconstrued.
- Ask someone else to approach the person on your behalf or to accompany you in meeting the alleged perpetrator. This could be your line manager, the individual's line manager, the HR team or your trade union representative.
- A request for mediation can be made through HR.
- Support can be requested from the Occupational Health/Counselling service.
- Records of any approaches made and any letters sent should be kept by the staff making the complaint.

The employee should consider what action they wish to take. The principle that normally applies is that no complaint will be formally investigated unless the complainant requests it. In certain circumstances, the Council will instigate the formal procedure. The complainant would be consulted prior to this happening.

3.2 Formal Procedure

Any employee who feels that they or others have been victimised, intimidated, bullied or harassed in a way that breaches this Policy may pursue a formal complaint with or without having exhausted the informal procedure stage.

The complaint must be made in writing to:

1. The Head of People and OD, which will be acknowledge within 5 days of receipt.
2. The Head of People and OD and the Service Director will nominate an investigating officer. The investigation officer will be supported by a member of the HR Team.

In exceptional circumstance, an external investigator may be appointed.

The investigating officer will:

- Conduct an investigation into the allegations and as part of the process will interview the complainant.
- Interview the alleged perpetrator(s) in addition to any relevant witnesses.
- Request documentary evidence from either of the parties, if necessary.
- Take all reasonable steps to ensure that information is not provided with malicious or improper intention.
- Give due regard to the balance between protecting the complainant and providing a fair hearing for the person against whom the allegation has been made.
- Consider what outcome the complainant thinks is appropriate

The alleged perpetrator, complainant and any witnesses have the right to be accompanied at all stages of the investigation by colleague or trade union representative.

The usual timescale for completion of the investigation should not exceed 4 weeks; however, given the complexities of some issues this may not always be achievable. Extension of time must be requested from the Service Director. The complainant and the alleged perpetrator should be notified, if the investigation period is extended.

3.3 Investigation Outcome

The outcome of the investigation will be to recommend one of the following:

- that there is no case to answer;
- that there is a case to answer but an apology and an undertaking by the alleged harasser/bully that the unwelcomed behaviour will stop is the best solution;
- that there is a case to answer but the matter is best dealt with by other support mechanism such as ; redeployment, training (e.g. assertiveness skills, confidence building) or counselling/ specialist help, or dual or single mediation or a combination rather than by instigating the formal disciplinary procedure;
- that there is a case to answer and the formal disciplinary procedure will be instigated; or
- that there is no case to answer by the alleged perpetrator, but that there is a case of malicious intent for the complainant to answer.

The Service Director receives the report and decides the most appropriate action to take based on the investigation report. The complainant and alleged perpetrator will each be required to attend a meeting with the investigating manager to hear the outcome and the appropriate action required if any, that applies to them and this will be confirmed in writing.

A work colleague or union representative may accompany them. If there is to be disciplinary action to be taken either against the complainant or the alleged perpetrator, the matter will be transferred to the Disciplinary Procedure. The Service Director will decide who will hear the case; the investigation team will present the management case at the disciplinary hearing.

If the decision is for action other than a disciplinary hearing then the Service Director must decide who will be responsible for ensuring any recommended action takes place, normally this will be the appropriate line manager potentially with HR support.

The outcome letter from the investigation will be held on the personal file of the perpetrator for the same length of time as the level 2 or 3 written warnings (9 or 12 months). Witnesses are not informed of the outcome.

4 RIGHT OF APPEAL

There is no right of appeal against the recommendations made by the investigation team or the decision reached by the Service Director. If either the complainant or the alleged perpetrator is unhappy about the outcome or the process, they may lodge a formal grievance under the Council's grievance policy.

5 SUSPENSION DURING INVESTIGATION

In some circumstances, it may be appropriate to suspend the alleged perpetrator, if this is the case, details on suspension during investigation can be found in the Council's Disciplinary Policy. The employee suspended will be required not to contact colleagues unless to resolve urgent work based issues that are unrelated to the allegations or to speak to their nominated work/union representative.

6 PROCEDURE FOR DEALING WITH COMPLAINT MADE BY OR AGAINST A 3RD PARTY

6.1 Contractors

Attempts would be made to resolve complaint made against an employee by a contractor informally. If informal resolution fails, the contractor should raise the matter with the HR team.

When the alleged perpetrator is a Contractor or Sub-Contractor, the matter will be referred to the main Contractor to deal with. The Council may also take action to terminate the contract or require the Contractor to remove the individual concerned from that particular contract.

Contractors have an obligation to behave in an acceptable way whilst carrying out work for the Council, and must adhere to the appropriate provisions in the **General Conditions** document.

6.2 Service Users/Members of the Public

Any member of the public/service user raising a complaint regarding an employee's behaviour will be dealt with under the Council's Complaints Procedure and dealt with under the Disciplinary Procedure if necessary.

Complaints brought under this policy by Service Users against employees will be dealt with under the Disciplinary Policy. Any employee who witnesses such an incident has a responsibility to report it to their line manager or another senior manager (where appropriate) so that action can be taken.

When the alleged perpetrator is a service user or member of the public, the Council may review how service(s) are provided to that person. This may involve the withdrawal of service(s) depending on the nature of the allegations and the circumstances of the case. Employees will be supported in such cases.

Line Managers have a responsibility to protect their employees from feeling threatened/intimidated, and if necessary, the employee should be removed immediately from direct interaction with the alleged perpetrator or any associated parties that may cause further distress.

If the individual does not report the incident themselves, but a line manager or colleague is made aware of it, they should follow the proper processes to ensure the matter is dealt with effectively and the individual directly affected is supported.

6.3 Councillors

Attempts would be made to resolve complaint made against an employee by a Councillor or vice-versa informally. If informal resolution fails, the Councillor or employee should raise the matter with the HR team.

Councillors are covered by their own Code of Conduct and this should be referred to as well as the Protocol on Member/Officer Relations, both of which can be found on the Council's website. The general procedure for employee-employee complaints will be followed, with the exception that the Chief Executive will also be informed of the matter, and s/he in turn has a duty to inform the Monitoring Officer. The Monitoring Officer will be the 'nominated person' to receive the report from the investigation. It may also be necessary for the procedure outlined under s.13.2 under the Protocol on Member/Officer Relations to be invoked.

6.4 Incidents between customers

The Council has a zero tolerance approach to abusive and aggressive behaviour; as such, it will take the actions necessary to address bullying, harassment or discrimination between customers on the Council's property, and during the course of activities undertaken directly, or on its behalf. Allegations potentially constituting hate incidents or hate crimes will be reported to the police in accordance, within the definitions set out Section 1.6 above.

7 MONITORING OF THIS POLICY

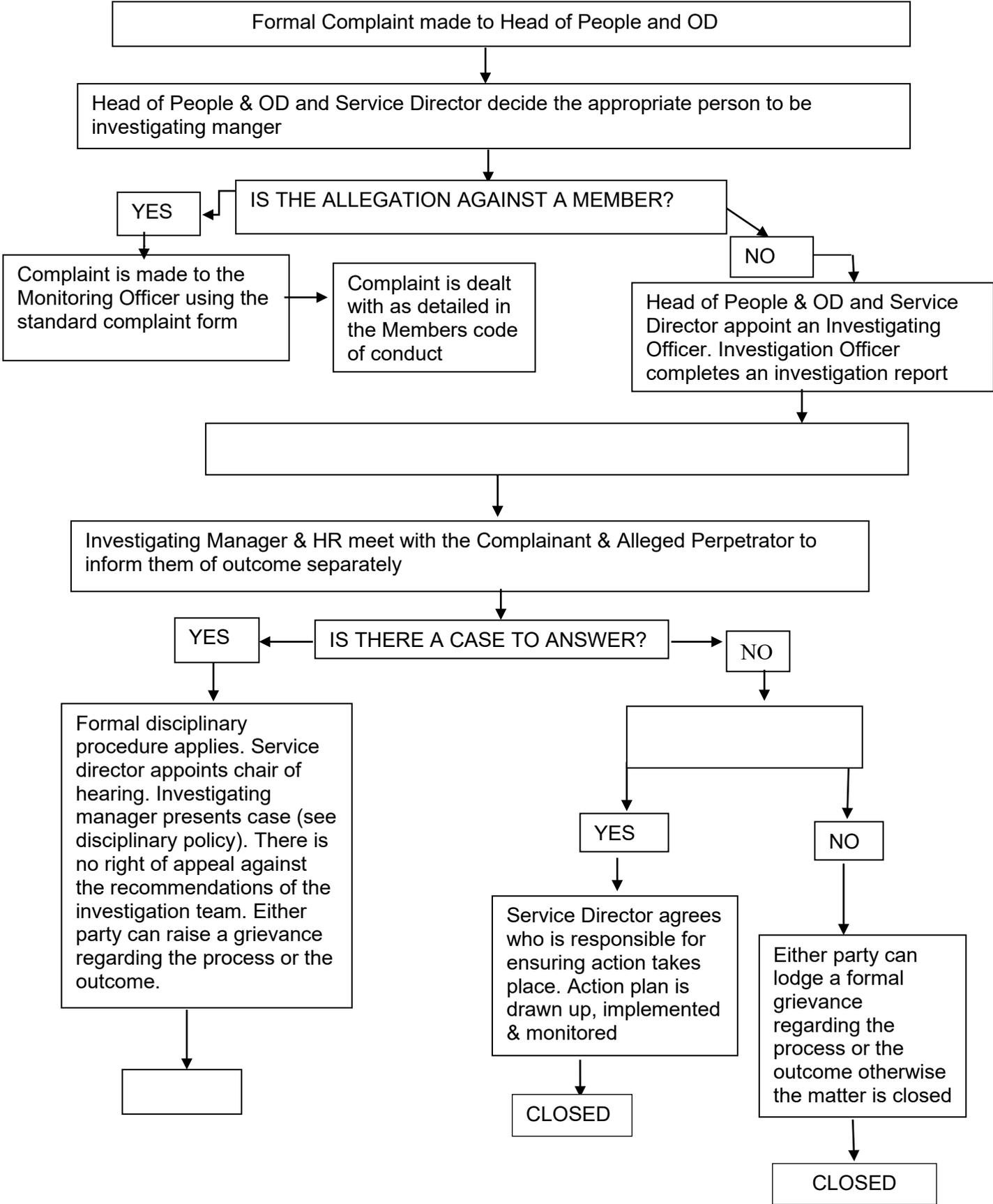
The HR team will keep a record of all complaints depending on the outcomes of the process. General monitoring will be carried out in relation to general effectiveness of the procedure, with particular regard to the identification of potential hate incidents by the Policy and Performance team.

Personal details will remain confidential.

8 REVISION TO POLICY AND PROCEDURE

This policy and procedure will be revised periodically through the normal consultation process. Any amendments will be advised to all staff and the amended policy will be placed on the Intranet.

APPENDIX A - FLOW CHART OF COUNCIL FORMAL PROCEDURE



APPENDIX B - FAQ's

Q. What can I do if I think a colleague is being bullied/harassed/victimised, but they don't seem to have a problem with it?

Don't ignore the problem. You should follow one of the options below:

- Speak to the individual to ensure they don't feel isolated. If appropriate, offer them support or direct them to this policy/the HR team/their manager for further guidance.
- Speak to the individual's line manager – raise your concerns, explain why you believe the behaviour/s were inappropriate/offensive, and ask them to deal with the situation.
- Speak to the individual who you feel is behaving in a way which may be construed as bullying or harassment (only do so if you feel comfortable to, and do not use this approach if you believe their behaviour is particularly serious or that the individual may react in an aggressive or violent manner).

Explain why you found their behaviour offensive/inappropriate. It may be worth explaining that you want to give them the opportunity to resolve the matter rather than having it escalated formally, the person may well be unaware of how their behaviour was perceived by others.

- If you believe the matter was particularly serious, speak to the HR Team or your line manager, and if you wish to raise it formally, you will need to make a formal complaint.

Q. What should I do if I overhear someone complaining about unacceptable behaviour?

If you are overhearing an individual reporting an incident to their manager, it may be worth letting the manager know what you overheard and they may need to reconsider where such conversations are held so as to maintain confidentiality.

If you are overhearing a colleague complaining that they feel bullied, see the advice above and consider whether it is appropriate to raise this with the individual concerned or their line manager. In this circumstance, you should not approach the person accused of the behaviour, as you did not directly witness the behaviour yourself.

Q. What do I do if I'm asked to be a witness as part of an investigation?

You will be informed by the Investigating Manager/HR Team Member as to what your role will be and when you will be required to attend an interview.

You can be accompanied at the interview by a work colleague or trade union rep

If you have any queries about the process, you should contact the HR Team. You will be given at least 3 working days' notice if you are to attend an investigation interview. Please prepare for the interview by reflecting on what you have witnessed to ensure you are able to answer questions to the best of your ability. Think about any other information that you feel may be relevant to the investigation.

If you genuinely can't remember things, be honest with the investigation manager when they ask. You will not be notified of the outcome of the investigation.

Q. If I am a witness, will the accused colleague be made aware?

The accused colleague may be made aware of the names of any witnesses as part of the investigation. If you are concerned or have any queries you may wish to speak to a Trade Union Representative or a member of the HR team.

If you believe you are subsequently victimised as a result of being a witness in an investigation, you should let your manager/the HR team know, and the matter will be considered under the disciplinary policy.

Q. What do I do if I think a colleague is being subjected to unacceptable behaviour outside of work?

If the alleged perpetrator is a workplace colleague, or if it is as a result of a work-based activity, you have a duty to raise your concerns under this policy. However if you believe the behaviour is wholly unconnected to work, then it is advisable that you speak to the individual concerned or HR so that appropriate support can be provided.

However, if the behavior is affecting the wellbeing of the employee then their manager should be informed so as to provide any necessary support with HR guidance if necessary.

Q. When does teasing or 'banter' become bullying?

ACAS 's guidance states; *“Key to understanding whether either bullying or harassment has occurred is not whether the conduct was intended on the part of the perpetrator, but whether it was unwanted on the part of the recipient.”* So what one person considers to be 'banter' another may consider to be bullying or harassment, as such all employees are expected to be mindful of others feelings in the workplace.

In addition, an individual may raise a complaint of bullying and/or harassment even if the behavior in question was not directed to them specifically. If someone feels offended, intimidated or threatened by behavior. In this case, they have the right to raise concerns under the procedures in this policy in the same way as someone who believes they are directly being bullied/harassed.

Q. I am a manager, and a member of my team has accused another team-member of bullying them, how do I handle this?

Listen carefully and take the matter seriously. Talk to the individual making the allegation and make notes of the discussion. Discuss the options available:

- Do they want to try and resolve the matter informally? If so are they comfortable approaching the accused person themselves (you could provide support or guidance to them in doing so)
- Would they rather you approached the accused person on their behalf. If you are approaching the accused person, do so confidentially and plan carefully what you want to say to them in advance, avoid being accusatory, but explain the effect their behaviour has had on other team-members and ask them to reflect upon it. If it is a relatively minor incident, it may be as simple as asking the accused bully to apologise, alternatively if working relations could be negatively affected it may be worth contemplating mediation/training.
- If the matter is more serious and/or the individual would like to pursue a formal route, ensure you have full notes of what they tell you, and follow the procedures outlined in section 3 of the policy, seek guidance from the HR team regarding following the procedure correctly.

Q. My manager is bullying me, how do I handle this?

Speak to HR

Q. What actions can be perceived as sound management practice and what actions can be perceived as bullying or harassing behaviours?

All those with the responsibility for managing staff have a responsibility to manage their staff in a reasonable way, issue reasonable instructions and expect them to be carried out. However, it is important that you consider your style in dealing with others and you behave in a way that would generally be considered to be reasonable. The difference between sound management practice and bullying is illustrated in the table below.

Addressing marginal Performance or Attendance in teams	Strong/Effective Management	Potential Bullying/Harassment/ Ineffective behaviours
The performance issue is identified	The identification involves looking at all the potential reasons for the performance deficit, for example, people, systems, training and equipment	There is no attempt to identify the nature or source of the poor performance or the individual is singled out for blame
The views of the team or individual are sought to identify the cause of the unacceptable level of performance	The team takes part in looking for the source of the problems in the performance and helps the manager to identify solutions for the whole team	There is no discussion of the cause of the performance deficit or opportunities for the team members to discuss their difficulties
New standards of performance are agreed with all team members	Standards of performance and behaviours are set and agreed by each team member and the manager	New standards are imposed with no team discussion on appropriate standards of performance or behaviour

The method and timing of monitoring/audit is agreed	Whenever possible, the team or team member takes part in the monitoring process. The outcome of the monitoring is openly discussed	Without agreed standards the monitoring can occur at anytime and involve areas that are unexpected by team members
Failure to achieve the standards of performance are dealt with as performance improvement issues	Opportunities are taken to identify individuals who are struggling and support is provided. If individuals are unwilling to comply with the agreed performance improvement process, disciplinary action may be taken	Individuals who fail to achieve the standards of performance are put under pressure to conform. This may include ridicule, criticism, shouting, withholding of benefits, demotion, teasing or sarcasm
Recognition is given for positive contributions	Improvements in performance, attitudes and behaviours are recognised and acknowledged	Because there is no monitoring, it is impossible to recognise where there have been positive contributions. Recognition and acknowledgement is therefore arbitrary and open to acts of favouritism
*CIPD 2007- this is not an exhaustive list of examples		

Q. What can I do to promote a positive environment in my team?

Consider the Council's values and your own behaviour and demonstrate strong leadership by setting clear and consistent expectations. Discourage inappropriate exchanges that could violate a person's dignity. Inappropriate comments or behaviours that relate to race, ethnic origin, gender or gender re-assignment, marital or civil partner, parental status, sexual orientation, religion or belief, disability, age, pregnancy or maternity, political belief or union membership are most likely to be irrelevant in a work context, so challenge this behavior both within your own team and in the wider organisation. Raise awareness of the Dignity at Work policy within your team. This will send out a positive message that you take issues of bullying and harassment seriously.

If you have any further questions or queries regarding this policy and how to apply it, please contact the HR team in the first instance.

APPENDIX C - EXAMPLES OF TYPES OF DISCRIMINATION IN THE FORM OF BULLYING & HARASSMENT

Direct Discrimination

Angela is bullied by her colleague Jim, because she is a lesbian, Jim is homophobic and refers to Angela in derogatory terms surrounding her sexual orientation and makes nasty comments to other team members when she is present, this bullying is directly discriminatory on the basis of Angela's sexual orientation.

Associative Discrimination

Ed is bullied by his manager Linda, who constantly makes comments about him not being a valuable member of the team as he needs time off to look after his disabled partner, she constantly praises colleagues but refers to Ed as 'not willing to stay and help'. While Ed himself isn't disabled, he is being bullied by association with his partner who is disabled.

Perceptive Discrimination

Andrea is 38 but colleagues often think she is much younger, Andrea is fed up of being teased by her team-mates (some of whom are younger than her) for being 'too young to understand', and she is told that she is not old/mature enough to take on additional responsibilities. While Andrea isn't younger than some of the colleagues in question, they are making comments because they think she is, this is perceptive discrimination.

Indirect Discrimination

Josh doesn't drink alcohol for religious reasons. Colleagues in his team drink alcohol socially and often talk about their drunken behaviour during work time, two colleagues have started bullying Josh for not drinking, saying he 'isn't man enough', and 'doesn't know how to have fun', the team have lunch together once a week, but have stopped inviting Josh since they found out that he doesn't drink. While the bullying isn't directly because of Josh's religious beliefs, it is still (indirectly) discriminatory as he does not drink alcohol on the grounds of his religious beliefs.

Harassment

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

Bullying

Jessica has been asked to present a report that she has written to the Management Team (her Line Manager is a member of this team). The Management Team do not like the report or the proposals and give Jessica a hard time. At the meeting, despite having previously agreed the content of the report and the proposals, her Line Manager is critical of Jessica. This leaves Jessica feeling unsupported and humiliated. Jessica could claim that she has been bullied

Third Party Harassment

Ahmed manages a Council Benefits Office. One of his staff, Frank, is gay. Frank mentions to Ahmed that he is feeling unhappy after a claimant made homophobic remarks in his hearing. Ahmed is concerned and monitors the situation. Within a few days the claimant makes further offensive remarks. Ahmed reacts by having a word with the claimant, pointing out that this behaviour is unacceptable. He considers following it up with a letter to him pointing out that he will ban him if this happens again. Ahmed keeps Frank in the picture with the actions he is taking and believes he is taking reasonable steps to protect Frank from third party harassment.

Victimisation

Anne 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, Anne is subsequently ostracised by her colleagues, including her manager. She could claim victimisation.

APPENDIX D- EXAMPLES OF BEHAVIOURS THAT CONSTITUTES HARASSMENT and BULLYING

Form	Physical Conduct	Verbal Conduct	Non-Verbal Conduct
Sexual Harassment	Suggestive looks and gestures, staring and leering, threatening behaviour, brushing against another's body, pinching, touching or rubbing in a sexual manner, promises of job benefit in exchange for sexual favours, threat of job detriment if sexual favours are not granted.	Sexual remarks, jokes, catcalls, whistling and teasing, asking questions about personal or sexual life, turning discussions to sexual topics, telling sexual stories, making sexual innuendoes, sexual comments about a person's clothing, anatomy or looks, patronising, derogatory remarks or references, repeated requests for dates or sexual favours.	Pin-up calendars, sexually explicit materials, pornography, computer pornography, sexist graffiti.
Racial Harassment	Repeatedly touching another's hair or clothes, physical abuse or intimidation, threatening behaviour to incite violence. Pushing/nudging	Racist and offensive mockery and jokes, racist and patronising remarks, stereotypical comments, assumptions and generalisations, racial name-calling, intrusive, persistent, and derogatory questioning regarding a person's racial or ethnic origin and culture.	Racist graffiti, segregating people from different racial groups, display or circulation of racially offensive material, exclusion from workplace functions, social events and normal conversations.
Sexual Orientation	Stereotypical impressions of gay men and lesbians, attempts to 'convert' gay men and lesbians, unnecessary, unwelcome, derogatory patting, simulating sexual acts performed by gay men and lesbians, physical abuse or intimidation.	Homophobic jokes and mockery, stereotypical assumptions about gay men and lesbians, heterosexist name calling and taunts, intimate questions about a person's personal and sex life, gossip and innuendo, assumptions that all gay men and lesbians are HIV positive or have AIDS.	Exclusion from workplace functions or social events, exclusion from normal conversation, displaying or circulating offensive materials, sneering or whispering.
People with Disabilities	Unnecessary, unwelcome and derogatory touching and patting of body parts, stereotypical impressions of people with disabilities, physical abuse or intimidation.	Asking intimate questions about a person's disability, use of offensive language, name calling, taunts, jokes and mockery, assumptions that disabled people don't have a social or private life.	Assumptions that physical disability equals mental disability, exclusion from workplace social events, speaking to colleagues rather than to the person with a disability, unwelcome interference in an attempt to help with work.
Religion or Belief	Repeatedly touching another's hair or clothes, physical abuse or intimidation, threatening behaviour to incite violence. Pushing/nudging	Religious and offensive jokes and mockery, religious and patronising remarks, stereotypical comments, assumptions and generalisations, religious name-calling, intrusive, persistent, and derogatory questioning regarding a person's religion or belief.	Religious graffiti, segregating people from different religious groups, display or circulation of religiously offensive material, exclusion from workplace functions, social events and normal conversations.
Bullying	Intimidatory, threatening behaviour, shouting and uncontrolled anger triggers, abuse and humiliation in public or in private, blocking promotion possibilities.	Nit-picking at an individual's work or person's looks, persistent criticism and/or sarcasm, refusal of reasonable work requests. Invading personal space unnecessarily; pointing in the face, blocking access etc.	Exclusion from work information, setting of impossible targets and deadlines, taking credit for ideas and work, ignoring or isolation from work discussions and normal conversation.

APPENDIX E - EXAMPLES OF THE POSSIBLE IMPACT OF HARASSMENT AND BULLYING

Employees and Managers should be aware of the impact of harassment and bullying in the workplace. If you begin to feel concerned that a colleague may be demonstrating signs that they are a victim of bullying or harassment, you should not ignore this; possible behavioural changes might include (but are not exclusive to):

- Lack of self-esteem and confidence.
- Overreacting to seemingly trivial incidents.
- Demonstrating feelings of isolation.
- Withdrawal from contributing to work discussions.
- Personality changes: becoming quiet or withdrawn or potentially becoming aggressive or defensive.
- Deteriorating work-rate.
- Isolated behaviour, removing self from group/team situations, opting to work alone.
- Unusually afraid of being left alone, constant need for attention/company.
- Becoming more emotional: easily upset or angered by situations that would not have provoked a strong reaction in the past.
- Loss of respect for manager/colleagues
- Fearful of criticism

Harassment and bullying at work undermines efficiency, effectiveness, the potential of people and equal opportunities principles. Not only can harassment and bullying create a negative and tense environment, but can also give rise to:

- Feeling of failure and lack of job satisfaction in individuals
- Poor performance and reduced productivity
- Disinterest in work/progression at work
- High turnover of employees
- Increased absenteeism
- Headaches/depression/ physical sickness
- Stress
- Poor morale

In extreme situations, the side effects of bullying or harassment may even result in:

- Violent/Suicidal/Homicidal thoughts
- Family problems
- Poor health
- Digestive and/or nervous disorders/low energy levels
- Severe weight gain/loss
- Excessive drinking or smoking
- Claims for unfair dismissal/breach of employment contract
- Damage to company reputation

APPENDIX F - GUIDANCE AND SUPPORT FOR DEALING WITH BEING ACCUSED OF BULLYING OR HARASSMENT

If You Are Approached Informally and Accused of Bullying and/or Harassment

- Please listen to the accusation; try to see things from the other person's point of view, put across your point of view calmly. Aim to resolve things amicably so a good working atmosphere can be regained.
- Make a note of the time, date, those present, what happened and what was agreed. It might be useful to confide in someone afterwards, as it can be an upsetting experience.
- Think about how best to respond appropriately, and apologise where appropriate, ask yourself how you would like a matter to be resolved if you were offended by someone else's behaviour?
- You may well be shocked and need time to absorb what you have been told; don't react aggressively or defensively, but if necessary ask for clarification of what exactly it was you did or said to cause offence.
- It may be that you were entirely unaware that your behaviour could be perceived as offensive, and the person approaching you will be happy for you just to apologise and reassure them that you'll be more considerate in future.
- Parties are encouraged to attempt to resolve matters informally in the 1st instance.
- Some individuals may see this as a personal development opportunity to reflect upon appropriate behaviour and develop improved inter-personal skills.
- If you believe this to be a malicious or entirely false accusation, do not act aggressively but instead make a note of your conversation, and write down as accurately as you can the details of the incident in question, and raise the matter with your manager or a member of the HR team as soon as possible.

Support if you are Accused of Bullying and/or Harassment

Regardless of whether you believe your behaviour was offensive or not, it is often very distressing and upsetting to be accused of bullying or harassment.

It's important that you take time to discuss the matter confidentially with a trusted friend/colleague/trade union representative or seek support where necessary.

While it is acceptable to discuss the matter confidentially with a colleague, you are expected not to discuss the matter openly with numerous colleagues, or partake in gossiping about the issue (whether raised formally or informally), and such behaviour is likely to be detrimental to repairing working relationships.

If you would like further support:

- Speak with the HR Department
- If appropriate, the HR Department can make a referral for counselling for you or signpost you to other support agencies

APPENDIX G - GUIDANCE AND SUPPORT IF YOU FEEL YOU ARE BEING BULLIED OR HARASSED

Approach the individual informally

You should let others know that you find their behaviour unacceptable, as they may not be aware of this. What you consider unwelcome may not necessarily be a problem for others. The alleged perpetrator may be unaware that their comments/behaviour are causing offence. Please only approach the individual if you are comfortable in doing so. (The informal approach is not appropriate where you feel the matter is particularly serious or you feel threatened in any way).

- See section 3.1 of the policy for guidance
- Prepare what you'd like to say in advance
- Listen to the comments made by your alleged bully/harasser.
- Whatever is said to you, be clear that you are letting the person know that the comments/behaviour are unacceptable to you and must stop or you will have to take the matter further.
- Make it clear that you want there to be a good working atmosphere between you i.e. a resolution to the problem.

Advised Approach:

- Describe the behaviour or comments that upset you, the effect they had on you and what you want to happen now, i.e. the harassment to stop.
- Focus on what you felt, not on what they intended.
- Do not confuse your message by smiling or apologising.
- Be firm and clear, not aggressive.
- Do not be distracted by attempts to, laugh off or belittle your experience.
- Listen to any explanation and apology given.

It is possible that an alleged perpetrator could react as follows:

- Is shocked that the accusation was made.
- Denies that it happened and accuses you of lying.
- Gets extremely angry.
- Makes a joke about it.
- Trivialises the importance/significance of it.
- Blames you.
- Is afraid of dismissal, demotion or others finding out.

Make a note of time, date, those present, what happened and what was agreed. It can be an upsetting experience so it might be useful to confide in someone afterwards.

Support if you are being Bullied or Harassed

You are encouraged to seek support from a manager, trade union representative or the HR department. While it is acceptable to discuss the matter confidentially with a colleague, you are expected not to discuss the matter openly with numerous colleagues, or partake in gossiping about the issue (whether raised formally or informally), and such behaviour is likely to be detrimental to repairing working relationships.

APPENDIX H- GUIDANCE FOR INVESTIGATING MANAGERS.

If you are appointed as an Investigating Manager, and you are unsure how to go about your investigation, you can speak with the HR department for guidance, in addition, some useful guidance is below:

- **Keep an Open-Mind:** When investigating, do not take into account your previous experience of either the complainant or the accused. Look at the evidence before you and the statements of those involved and come to a decision on that basis.
- **Be Prepared:** Plan your questions in advance, think about what it is that you are trying to find out, what information do you already have, what do you need to know.
- **Use Open Questions only:** Do not allow yourself to purposefully or inadvertently guide the person who you are interviewing, use questions which can't be seen to be steering or leading the person to answer in a specific way, closed questions are often described as those to which the answers 'yes' or 'no' could be given, some examples are below:

Inappropriate 'Closed' (Leading) Question	Appropriate 'Open' Question
"Were they angry?"	"What was their mood like?"
"Was their approach aggressive?"	"How would you describe their approach?"
"Did the behaviour create a bad atmosphere?"	"What was the atmosphere like afterwards?"

- **Allow time to ask further questions:** After asking your initial questions, you may find that issues have arisen which require you to ask further questions, make sure you've allowed time for this and consider the best way to phrase these subsequent questions.
- **Obtain as many 'facts' as possible:** It is important to ask for times/dates/locations etc. as well as 'was anyone else present', 'were there any other factors that may have been contributory?'
- **Clarify any uncertainties:** If you feel someone hasn't given you a full answer, or hasn't been clear in their answer, it's important that you clarify fully, it's important to ask them to elaborate on issues – the more facts you can gather the better, ask for examples if appropriate; for example if someone says ***"the team weren't happy about it"***, ask something along the lines of ***"how could you tell the team weren't happy?"***, ***"did you speak with other team-members about it?"*** or ***"can you give examples of what you heard?"***
- **Interview further witnesses:** If as a result of any interviews it becomes apparent that there may be more witnesses that had not previously been identified, you would need to interview them too, to gain a full picture of what happened.
- **Arrange further interviews:** If after all the interviews are complete, issues have arisen which you hadn't used in your original line of questioning, you may re-interview any parties necessary, but this should be done within reason, and the same procedures followed as for the first interview in terms of notification and accompaniment.
- **Operate in a timely manner:** Don't rush your investigation and make decisions in haste if you feel you have more evidence to gather, but try to bare in mind the effect of prolonging the investigation on those involved, investigations should be carried out as effectively as possible, and a quick resolution is in the interest of all parties to resume an improved working environment as soon as possible.

APPENDIX I - FURTHER GUIDANCE AND SUPPORT

Anti Bullying and Bullying Support Websites:

Bully Online - A thorough website containing support and practical advice with a large section on Bullying at Work.

JFO (Just Fight On) - Online forums and support groups as well as links to local support groups as well as guidance and advice.

Safe Workers - General 'safe working' website with useful section on work-place bullying providing advice and guidance, particularly on cyber-bullying.

Support Online - A comprehensive general support website with really useful links to bullying support networks and resources.

TUC (Trades Union Congress) - Trade Unions guidance on Bullying at Work, further information can be found at the [Work Smart website](#).

Anti Discrimination and Discrimination Support Websites

CAB - Citizens Advice Bureau guidance on Disability Discrimination.

Direct.gov - Government Website with guidance on Discrimination at Work.

Press for change - Support regarding Equality Issues for Transgender people.

Rethink - Mental Health Charity with advice on 'living with mental illness – work'.

SARI - (Support against Racist Incidents) offers guidance on dealing with Racial and Religious Discrimination.

Stonewall - Lesbian, Gay and Bisexual Charity site; work-place discrimination guidance.

THT - (Terrence Higgins Trust) Website with useful section on dealing with Discrimination at work, particular focus on HIV sufferers.

Time to Change - Website dedicated to ending mental health discrimination (including 'at work' section).

Support Help-lines:

ACAS: 0300 23 1100 (*for employment advice and guidance on bullying at work*)

Equality and Human Rights Commission: 0808 800 0082

The Gender Trust: 01527 894 838 (*support for gender identity issues*)

PCAW (Public Concern at Work): 020 3117 2520 / 020 7404 6609 (*advice specifically on whistle-blowing*)

Support Online Helpline: 01708 765200 or email info@supportline.org.uk (*for individual emotional support on a range of issues*)