

Dignity at Work Policy

Purpose

1. Oxfordshire County Council is committed to the provision of a healthy, safe and productive working environment for all its employees, prospective employees and others working in, or visiting its buildings.
2. Every employee is required to;
 - live the Council's values
 - treat colleagues and customers with dignity and respect
 - be aware of the effect that their own behaviour can have on others
 - dress appropriately for the workplace
 - support colleagues if they experience bullying, harassment or singling out
 - inform their manager, the Employment Advisory Service or union representative if they are aware of an incident
 - set a positive example to new colleagues
 - consider their language and attitudes and think before making personal comments to or about others
3. Everyone should be treated with dignity and respect at work and encouraged to meet their full potential. This cannot be achieved if bullying and harassment are accepted in the workplace and such behaviour will not be tolerated. Stress, loss of self-confidence and self-esteem caused by bullying or harassment, can lead to job insecurity, illness, absence from work and even resignation. Almost always, job performance is affected and relations in the work place suffer.
4. This policy applies to all forms of bullying and harassment and replaces the Council's previous policy statements on Harassment and Bullying at work, Racial Harassment and Sexual Harassment.

Legislative Background

5. There is currently no standard legal definition of bullying or harassment. However, the legal definition of harassment as applied to sexual orientation, religion or belief and race and ethnic and national origin is '**unwanted conduct which has the**

purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment'. This definition has been adopted by the Council as part of the Comprehensive Equality Policy. 'Bullying and harassment' are terms which are used interchangeably by most people and cover a range of behaviours which undermine the right of others to be treated with dignity at work. There are specific forms of bullying which may constitute offences under discrimination legislation. These relate to bullying, harassment or singling out because of;

- race, colour, nationality, ethnicity or national origins
- sex
- age
- disability
- sexual orientation
- religion or belief
- the intention to undergo, be undergoing or have undergone gender reassignment.

6. Certain types of harassment such as stalking are covered in criminal law by the Protection from Harassment Act 1997 and the Criminal Justice and Public Order Act 1994.

Relationship to the Council's Code of Conduct and the National Code of Local Government Conduct

7. The County Council's Code of Conduct sets out the general standards of behaviour expected of employees. Both this Code of Conduct, the Council's Constitution and the National Code of Local Government Conduct for elected Members state that mutual respect between employees and councillors is essential to good local government.

Disciplinary Procedure

8. Bullying or harassment is a disciplinary offence. The Council's Disciplinary Procedure cites harassment and other offences against human dignity, assault and threatening behaviour at work as examples of behaviour which may constitute misconduct or gross misconduct.

9. Everyone should be able to work without the fear of mischievous or malicious complaints or allegations and anyone found to be making these will be subject to the disciplinary procedure.

Bullying or harassment of one employee by another

10. Bullying or harassment of one or more employee by another, or others, can take a number of forms. It is not always face to face but can involve written material, e.g. e-mails and social networking websites. The following are examples of behaviour which the Council considers unacceptable:
 - physical aggression or intimidation
 - practical jokes which embarrass or humiliate
 - verbal abuse, including personal insults, inappropriate stereotyping, offensive comments, taunts, threats, malicious gossip or innuendo
 - abuse of an individual's right to personal privacy, for example intrusion into another employee's personal property or into their private life (this may also be a breach of the Data Protection Act 1998)
 - deliberate exclusion of an employee from normal social or professional contact at the workplace
 - unwelcome sexual advances – assault, touching, standing too close, the display of offensive materials

Bullying or harassment of employees by their manager

11. In order to carry out their role it is necessary for managers to;
 - issue instructions to employees
 - set work-related targets and objectives with the employee and monitor their achievement
 - set standards of workplace performance and behaviour for their employees and monitor compliance with these
 - manage performance including addressing poor performance (using the 6 steps to managing poor performance guidance) or unacceptable behaviour on the part of employees, using the disciplinary procedure where appropriate.

12. These managerial functions should be carried out in a professional manner which does not undermine the dignity of employees.
13. Managers are expected to work within a framework of any Corporate or Directorate defined Management Behaviours, in addition, they must comply with their responsibilities under the Council's policies/schemes. e.g. the Appraisal Scheme sets out a manager's responsibility for the regular review and development of their employees.
14. The following are examples of unacceptable behaviour by managers, over and above those already mentioned in paragraph 5, which may constitute bullying or harassment;
 - humiliation, for example reprimanding an employee in front of others
 - singling out an employee, for example for unjustified criticism
 - intimidation, for example aggressive behaviour or threats directed at an employee
 - the persistent placing of excessive demands on employees, setting of unrealistic work targets or objectives, or the changing of targets or objectives without good reason
 - instructions or requests to employees to perform inappropriate tasks which are outside the remit of the job, for example personal errands.

Responsibilities of employees

15. It is the responsibility of all employees to maintain appropriate standards of behaviour in the workplace and to ensure that they do not contribute to the creation of a working environment in which bullying or harassment is condoned or encouraged.
16. Employees should challenge bullying or harassment on the part of others where appropriate and should report any incident of bullying or harassment to their line manager or to an appropriate senior manager or the Employment Advisory Service.

Responsibilities of managers

17. It is the responsibility of all managers to prevent harassment and bullying wherever possible and to take appropriate action against such behaviour when necessary. In particular, managers must;

- be alert to the possibility of bullying or harassment occurring
- correct any behaviour which could be seen as contrary to this policy and remind employees of the policy when appropriate
- ensure that this policy is communicated to newly appointed employees during their induction and is reinforced at regular intervals in routine section meetings, briefings etc
- provide a supportive framework for any employee with a complaint of bullying or harassment
- take prompt action to deal with bullying or harassment as soon as it is identified, including disciplinary action where appropriate
- keep records of any incidents of harassment or bullying reported or observed. Any racist incident should be reported using the documentation from the intranet (under Corporate/Equality and Social Inclusion/Racist incidents).
- treat all cases of harassment or bullying with appropriate confidentiality but consult the Employment Advisory Service for advice where appropriate. Given the severity of the effects of bullying and harassment and the need to eradicate it, in some cases it may be appropriate to continue with an investigation or disciplinary process even when an allegation is withdrawn by an employee.

Contact points for employees

18. The Council aims to provide a wide range of initial contact points for employees who wish to discuss an issue relating to bullying or harassment. Employees should contact one of the following people in the first instance;

- their line manager
- a more senior manager in their directorate
- their trade union representative
- the Employment Advisory Service
- the HR Business Partner for the directorate

- the Strategic HR Manager or another HR Officer in the Strategic HR team (Corporate Core)
- the Occupational Health Service (or their directorate staff care service where available)

Procedure for dealing with cases of bullying or harassment – informal

19. Employees who wish to raise a bullying or harassment issue informally should approach their line manager or the Employment Advisory Service.
20. It can be helpful to keep a diary of all incidents – records of dates, times, any witnesses etc.
21. In minor or isolated cases of bullying or harassment, it may be possible and desirable for the issue to be settled informally and confidentially between the parties themselves; for example by one employee asking another to refrain from a particular type of intimidating behaviour and by the manager monitoring that there is no reoccurrence. If an employee finds it difficult to tell the person directly, this can be done by another person, e.g. colleague, trade union official or HR Officer.

Procedure for dealing with cases of harassment or bullying – formal

22. If this approach fails or if a more serious form of harassment or bullying is involved, the employee should bring the situation formally to the attention of their line manager.
23. An employee who feels that they are being bullied or harassed by their line manager should bring the situation to the attention of a more senior manager or the Employment Advisory Service.
24. The employee may, if they prefer, ask a colleague, trade union representative or HR Officer to raise the matter with an appropriate manager on their behalf.
25. The manager to whom the incident is reported should arrange for an immediate and thorough investigation, and then take appropriate action. Managers should seek advice from the Employment Advisory Service on whether formal disciplinary

action is appropriate and whether the alleged bullying or harassment is based on discrimination relating to particular personal characteristics. Managers should be aware of the guidance on investigating allegations, available from the Employment Advisory Service.

26. The manager should take steps to ensure confidentiality and fairness to both parties. It is particularly important that no-one should be victimised as a result of making a complaint or being the subject of a complaint of bullying or harassment.

Bullying or harassment by trade union officials or representatives

27. The trade unions recognised within the Council take bullying and harassment seriously and have their own procedures for dealing with it. An employee who is being bullied or harassed by a trade union representative or official should bring this to the attention of an appropriate officer in the local branch or notify the Employment Advisory Service.

Bullying or harassment by elected Members

28. Elected Members are expected to treat Council employees with respect and dignity. An employee with a complaint of bullying or harassment against an elected Member should discuss this with their line manager or the Employment Advisory Service. After discussion with the employee, the relevant Director may need to be involved in dealing with the complaint. The Director may then address the individual Member and/or Party Group Leader and under the Council's Constitution is responsible for informing the Chief Executive and Monitoring Officer if the Party Group Leader becomes involved. In this event, the employee would be fully supported and kept informed of the progress and outcome of their complaint.

Bullying or harassment by members of the public

29. The procedure for dealing with cases where an employee is bullied or harassed by a member of the public (including users and clients of Council services) is included in the Council's Policy Statement on Violence to Employees at Work. This covers any incident in which an employee is verbally abused, threatened or attacked by a member of the public in the course of their employment.

Counselling and support

30. Counselling and support for both the person raising a concern about bullying and harassment and the alleged perpetrator is available through the Occupational Health Service or Staff Care Service. Unions may also be able to offer support.

If a complaint is not resolved

31. If an employee is not satisfied that a complaint has been dealt with speedily and effectively then s/he should use the Council's Procedure for Raising Concerns at Work.
32. In introducing this policy an impact assessment has been undertaken to take account of the Race Relations (Amendment) Act 2000 and discrimination legislation more generally. Confidential monitoring is undertaken both of the disciplinary process and of complaints of bullying and harassment in order to gather data to help establish whether the policy is operated in a fair and consistent manner. In addition, monitoring will be undertaken via staff surveys in order to gauge whether bullying and harassment is prevalent and whether employees feel it is dealt with fairly and appropriately. In undertaking monitoring the Council will not identify individuals

Related Policies

- Officer's Code of Conduct
- Disciplinary Procedure
- Raising Concerns at Work Procedure
- Stress at Work Policy
- Violence to Employees at Work
- Comprehensive Equality Policy
- Religion and Belief in the Workplace Guidelines
- Sexual Orientation in the Workplace Guidelines
- National Code of Local Government Conduct

Sources of Information and advice

'Bullying and Harassment at Work: Guidance for Employees' and
'Bullying and Harassment at Work: A Guide for Managers and
Employers

www.acas.org.uk

Tel: 08457 474747

Commission for Racial Equality (CRE)

Tel: 020 79390000

www.cre.gov.uk

Disability Rights Commission

Tel: 08457 622633

www.drc.org.uk

Equal Opportunities Commission

Tel: 08456 015901

www.eoc.org.uk

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May 2009

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