

Dignity at Work

Introduced: November 2001

Developed by: People Services

Review Date: November 2024

1 Introduction

- 1.1 Telford & Wrekin Council believe that to be effective its employees should be able to carry out their duties in an environment where all individuals treat each other fairly and with respect and dignity. Acts of discrimination or bullying, intentional or otherwise, will not be tolerated.
- 1.2 This policy provides practical guidance to assist in the maintenance of dignity at work and the management of working relationships between individuals employed by Telford & Wrekin Council.
- 1.3 It comprises four parts: -
 - ⇒ Legal background
 - ⇒ Working definitions
 - ⇒ Working principles
 - ⇒ Dignity at work framework

2 Legal Background

- 2.1 The Council recognises that it has a duty of care for all employees. This extends to ensuring that action is taken when an employee identifies behaviour which they consider impinges upon group or individual dignity or wellbeing.
- 2.2 This policy contains definitions of the main areas, which the Council considers to be damaging to the welfare and dignity of people at work. These are contained in section three. It is also recognised that these may develop or be added to as legislation, caselaw and society change.
- 2.3 In operating this policy the Council is aware of its responsibilities under:
 - ❖ The Equality Act 2010
 - ❖ Employment Rights Act 1996
 - ❖ Employment Relations Act 1999
 - ❖ Human Rights Act 1998
 - ❖ Protection from Harassment Act
 - ❖ Health and Safety at Work Act 1974
 - ❖ Data Protection Act 1984
 - ❖ Employment Caselaw
- 2.4 This policy links into other local agreements including:
 - ❖ The Disciplinary Scheme
 - ❖ The Grievance Scheme
 - ❖ The Stress Management Policy

- ❖ The Personal Performance Management Process
- ❖ The Capability Management Process.
- ❖ Terms and Conditions of Service
- ❖ National Codes of Conduct

- 2.5 The policy is operated on the express understanding that it is the responsibility of all employees to implement measures relating to dignity at work.
- 2.6 The policy is designed to complement existing Council agreements listed in 2.4. It does not impinge upon a manager's right to manage poor performance in an appropriate manner.

3 Working Definitions

- 3.1 Many forms of behaviour impact upon a group or individual's dignity at work. In order that this policy is absolutely clear the following will not be tolerated.

Harassment

- 3.2 Harassment of any kind is unacceptable. Harassment is defined as unwanted, unreciprocated behaviour of an offensive or hostile nature which causes discomfort, distress or humiliation to the person(s) at whom it is targeted.
- 3.3 It includes any act motivated by race, gender, sexuality or disability which is designed to humiliate, discriminate against, belittle, intimidate or harm another in any way.

Bullying Behaviour

- 3.4 Bullying is defined as behaviour directed at an individual by one person or a group of people with the intent of intimidating or belittling the target. The behaviour may be a misuse of power either hierarchical or that gained through group membership.
- 3.5 Examples of bullying behaviour include remarks that are intimidating because of content or the manner in which they are made, initiation of malicious rumours concerning a colleague or colleagues, intimidation through physical proximity or body language, pointed exclusion of an individual from conversations or discussions, allocation of work in an inappropriate manner (e.g. setting unrealistic deadlines or volume).

4 Working Principles

- 4.1 Dignity at work issues will be dealt with and governed by the principles of natural justice.
- 4.2 Where at any stage it is considered that the behaviour of an individual, leading to a complaint against them within this framework, has been malicious or deliberate the

issue will be dealt with as a disciplinary matter. The People Services Manager (or representative) will advise in matters of dispute.

- 4.3 If it is necessary for an individual or individuals to be removed from direct contact with each other whilst an issue is being resolved every effort will be made to remove the person against whom the complaint has been made. Where possible this will be to undertake alternative work although some situations may require paid suspension from work.
- 4.4 All parties will be updated throughout the process of investigation or resolution of issues considered within this framework.
- 4.5 The Dignity at Work framework has been put into place to assist constructive working relationships. Where the complaint concerns conduct of an intentionally malicious nature the matter will be dealt with under the Disciplinary Procedure.
- 4.6 If at any stage during the investigation the manager considers that an individual's actions could constitute Gross Misconduct it will be appropriate to suspend the officer concerned and continue the investigation within the Disciplinary Procedure provisions.
- 4.7 Throughout the process individual employees will have access to the confidential support offered by the Counselling Service and a People Services contact independent to the service area concerned.

5 Dignity At Work Framework

- 5.1 If an employee believes that they are the target of behaviour which impacts on their Dignity at Work they should first discuss the situation with their line manager. Where the line manager is the perpetrator the employee should discuss the situation with their manager's manager or a People Services representative.
- 5.2 In raising concerns individuals should be made aware that, whilst any personal preferred outcomes are acknowledged the Council has a legal duty of care and must investigate all dignity at work matters raised.
- 5.3 The aim of this stage of the investigation is to gather facts to enable a decision to be reached to best resolve the situation.
- 5.4 How the investigation is undertaken is dependent upon the circumstances of the case. In the majority of cases the manager will lead the investigation and interview all parties separately in the presence of their representative if one is required.
- 5.5 In some situations it will be appropriate for the target and person(s) against whom the allegations are made to be brought together at this stage.

Informal Action

- 5.6 At the end of the initial investigation the investigating manager will reach a number of conclusions on which to base subsequent action. The actions determined can include requirements for behavioural changes at work or an explanation of the impact of behaviour on the person making the allegations.
- 5.7 The manager may conclude that behaviour affecting an individual's dignity has taken place but that this was unwitting on the part of the officer concerned. In such cases steps for improvement will be set out by the manager and monitored as part of regular supervision sessions.
- 5.8 If the manager concludes that no formal disciplinary action is to be taken but that changes in the working relationship and behaviour of the individual(s) will resolve the situation a written Working Agreement will be drawn up. This will detail the changes in behaviour required, how these will be monitored and the period over which a review will take place. Both parties must agree to this document. If agreement is not possible it will be necessary for the manager to formally instruct individuals to comply with the requirements and advise them of potential future action if they do not.
- 5.9 Similarly where an issue relating to a group of people is identified it will be necessary to draw up a Working Agreement covering all parties.

Formal Action

- 5.10 Where the manager concludes that the actions which have taken place are so serious as to constitute misconduct the individual will be informed that the matter is to be dealt with under disciplinary procedures. In such cases the manager fulfils the role of presenting officer at a disciplinary hearing.
- 5.11 Where the seriousness of the allegations dictate that the parties concerned cannot have contact until an investigation is concluded in all but exceptional circumstances it will be the person against whom the allegations are made who will be removed from the working location. This may be through temporary relocation, home working or suspension.
- 5.12 The making of claims which are clearly malicious will be treated as a serious disciplinary offence in itself.

6 Support

- 6.1 Throughout the process support for the investigating manager will be provided through People Services. Another People Services representative will be identified to provide

procedural support to the person (s) under investigation and individual instigating allegations. The Council's confidential Counselling Service may be used by all parties.

- 6.2 Training will be available for managers in identifying and investigating issues relating to dignity at work.

7 Trade Unions

- 7.1 Trade Unions support action to maintain individuals rights to dignity at work, and will provide support to members throughout this process.

8 Victimisation

- 8.1 This policy is targeted at maintaining dignity at work for everyone who works for Telford & Wrekin Council. Victimisation of any individual who has reported matters under this framework, or who has had action taken against them within it will not be tolerated and will constitute serious disciplinary misconduct.

Model Working Agreement

Working Agreement Made Between:

and

This Agreement has been made as the result of the meeting held on (Date), attended by (Manager), (Employee 1) and (Employee 2) and their Representative/s (Names of Reps).

The meeting was held after an initial investigation was undertaken following an allegation by (Employee 1) against (Employee 2).

The following are the actions required by all parties concerned in order for a solution to be achieved.

Examples of actions to be taken for solution to be achieved (to be expanded upon according to each case):

- ❖ *Raise awareness of Policy*
- ❖ *Counselling*

- ❖ *Training (assertiveness/aggression/behaviour)*
- ❖ *Agreed targets and methods of behavioural change through performance*

I agree to comply with the contents of this Working Agreement

Signed: *(Employee 1)*

Signed: *(Employee 2)*

Signed: *(Manager)*

monitoring

- ❖ *Monitoring of workload*
- ❖ *Voluntary transfer to another service delivery unit*
- ❖ *Explanation of how the behaviour is affecting employee(s)*
- ❖ *Monitoring behaviour through regular supervision meetings*
- ❖ *Regular Joint Review meetings*

This Agreement also confirms that all parties agree to adhere to the Council's Policy on Dignity at Work and in the event that any party believes that this Agreement is not being complied with, bring this to the attention of the manager named above for further action to be considered.

The Agreement will be monitored for a period of *(weeks/months)*, initially on a *(weekly/fortnightly/monthly)* basis and reviewed in *(months)* time.

In the event that it is not adhered to, formal disciplinary action may be taken against the person who contravenes it.

Dated:

Copies to all parties