



Dignity and Respect at Work Policy

Policy Statement

1 Introduction

- 1.1 Brighton & Hove City Council is dedicated to providing a safe, healthy and fulfilling working environment in which everyone feels valued and is treated with consideration, fairness, dignity and respect.
- 1.2 To help us achieve this type of culture, free from bullying and harassment, the council has developed a set of core values. These describe the way we expect people within the council to behave in their everyday dealings with one another.

2 Core Values

- 2.1 The council, as an employer, aspires to the following core values within the workplace:

Recognise and reward achievement

Ensure we communicate with integrity, honesty and openness

Strive to be the best we can

Put people first

Embrace diversity, respect difference and allow individuality to flourish

Collaborate and work cooperatively with colleagues and provide mutual support

Treat people fairly and equitably.

- 2.2 However, these standards alone cannot create and maintain the desired culture. This can only be achieved if everyone, regardless of their role, position, grade or level of seniority within the organisation embraces and personally enacts these behaviours in their day-to-day working relationships.

3 Why have a Policy

- 3.1 There are strong moral, ethical and business reasons for having a policy which encourages positive behaviour and aims to minimise the incidence of bullying and harassment in the workplace.
- 3.2 Bullying and harassment if undetected or allowed to go unchecked can have a devastating effect on the individuals concerned. It can cause fear, stress, anxiety and a range of other physiological and psychological health issues, low morale and self-esteem. This in turn can have a major

impact on the organisation's ability to deliver excellent customer service through:

- reduced individual performance
- increased sickness absence
- increased tension and conflict leading to a decline in team performance
- loss of respect for managers and colleagues
- low morale
- higher staff turnover leading to the loss of productive, skilled and committed people
- difficulty in recruiting
- damage to the council's reputation as a good employer.

3.3 Failure to prevent bullying or harassment in the workplace may also expose the council to a number of legal consequences including breaches of health and safety legislation and claims of unlawful discrimination, unfair dismissal and constructive dismissal. Cases which go to an Employment Tribunal are often time consuming, can be costly and bring widespread bad publicity.

4 What are the aims of the Policy

4.1 The main aims of this policy are to:

- promote a culture where everyone is treated with professionalism, dignity and respect
- encourage positive behaviours (see Appendix 1)
- support a working environment and culture in which bullying and harassment will not be tolerated
- raise awareness of the types of behaviour that may constitute bullying and harassment and the likely consequences of displaying such behaviour
- ensure managers and employees are aware of their responsibilities under this policy to prevent such behaviour
- promote a climate in which employees have the confidence to raise any concerns they may have and know that they will be treated seriously
- provide mechanisms for dealing with incidents when they occur as speedily as possible so as to "nip them in the bud" before matters are allowed to fester and grow.

5 Who is covered by the Policy

5.1 This policy applies to:

- all council employees including those based in schools (with the exception of Faith Schools)

- casual workers, apprentices, volunteers, work experience placements.
- 5.2 This policy does not apply to instances of bullying or harassment by members of the public, visitors or contractors. These should be reported and dealt with under the council's Violence at Work Policy.
- 5.3 Concerns about inappropriate behaviour by Elected Members should be reported and dealt with under the council's Code of Conduct for Member/Officer Relations.

6 What are the Roles and Responsibilities under the Policy

- 6.1 **The council** has a legal duty to create and maintain a safe and healthy working environment for its employees and to protect them from bullying and harassment.
- 6.2 **TMT** is responsible for promoting and championing an organisational culture in which employees can excel at work and fulfil their potential free from any form of bullying, harassment or other unacceptable behaviour.
- 6.3 It is also the responsibility of TMT to ensure that senior managers of the council personally endorse and actively implement this policy within their areas of responsibility.
- 6.4 **Senior managers and line managers/supervisors** are responsible for:
- ensuring that they implement this Policy within their teams and that it is properly communicated and explained fully to all their staff
 - setting standards of appropriate behaviour within their area of responsibility
 - leading by example by displaying positive, professional behaviours in line with the organisation's core values
 - creating and maintaining an inclusive working environment in which bullying, harassment or other unacceptable behaviour will not be tolerated
 - being proactive in preventing bullying and harassment at work by personally challenging inappropriate behaviour
 - ensuring that an individual's behaviour is considered as important as the other competencies required for the job when assessing performance in supervision/appraisal processes
 - being approachable, ensuring regular 1-2-1's and supervision sessions are held with staff to ensure any problems that may be arising within the team are brought to their attention
 - ensuring that all allegations of bullying and harassment are taken seriously and are promptly and properly dealt with in accordance with this policy
 - supporting staff who may feel they are being harassed and bullied

- ensuring that there is no retaliation or victimisation against employees making a complaint or those supporting colleagues to make a complaint under this policy
- investigating complaints when appointed and competent to do so
- conducting facilitated or mediated meetings between staff in conflict when competent to do so.

6.5 Individual employees are responsible for:

- making sure they familiarise themselves with the policy and understand it
- their own personal behaviour and for displaying a positive, professional and cooperative attitude in line with the council's core values and the standards set out in this policy
- developing competence in their inter-personal and communication skills to a level appropriate for their role
- not participating in, encouraging, condoning or supporting the bullying or harassment of another person or covering up for, or protecting, an individual who is behaving inappropriately
- challenging inappropriate behaviour whenever it occurs if they feel able
- responding constructively to feedback and advice on their behaviour whether this is from a manager or a colleague
- reporting to their line manager (or senior manager), trade union representative, or Human Resources any incidents of bullying, harassment or other inappropriate behaviour that they experience or witness
- supporting colleagues who may be experiencing bullying or harassment if they feel able
- participating fully in any investigations that may be undertaken
- not bringing claims of unacceptable behaviour maliciously or vexaciously.

6.6 Trade union representatives are responsible for:

- making sure they familiarise themselves with the policy and understand it
- accepting that they have an important role to play in helping the council achieve the stated objectives of this policy
- championing respectful and equitable behaviour which will help to create a climate of fairness and cooperation
- assisting their members who have been bullied or harassed, including supporting them in taking their complaints forward
- representing their members who are the subject of a complaint
- highlighting to their members when their behaviour falls short of the standards outlined in this policy.

6.7 **BHCC Workers' Forums** are responsible for:

- making sure they familiarise themselves with the policy and understand it
- accepting that they have an important role to play in helping the council achieve the stated objectives of this policy
- supporting their members who have been bullied or harassed including helping them raise their complaints

6.8 **Human Resources** is responsible for:

- advising staff who believe that they are being bullied or harassed
- advising staff who may be distressed after witnessing bullying or harassment
- advising managers who need to take action on becoming aware that bullying or harassment might be taking place
- appointing and advising investigating managers
- appointing expert mediators as required
- ensuring the effective, fair and consistent implementation of the policy
- monitoring incidents of bullying and harassment and reporting findings to DMTs/TMT and Staff Consultation Forum on a regular basis
- providing training for managers to equip them with the knowledge and skills to address bullying and harassment issues effectively
- auditing the return rate and content of exit interviews to identify any claims of bullying and harassment and to report these to the appropriate Head of Service for possible further action
- assessing the effectiveness of the policy through reviewing the results of the staff survey on the incidence of staff feeling bullied and/or harassed
- reviewing and amending the policy as necessary.

7 **What is bullying and harassment**

7.1 Bullying is defined as:

“offensive, abusive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, provoke, frighten, intimidate, denigrate or bring discomfort to the recipient.” (ACAS)

7.2 Harassment is defined as:

“unwanted physical, verbal or non-verbal conduct that violates the dignity of people in the workplace or creates an intimidating, hostile, degrading, humiliating or offensive environment.” (ACAS)

- 7.3 The perception that some forms of behaviour are harmless fun or compliments is not acceptable when they are unwelcome, offensive or not returned.
- 7.4 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.
- 7.5 The council will not tolerate bullying or harassment at work or outside work if it has an impact on working relationships and any such behaviour may result in disciplinary action which could lead to dismissal.
- 7.6 Examples of the types of behaviour which may constitute bullying and harassment are set out in Appendix 2. This is not an exhaustive list of all behaviour that may be offensive or unacceptable.

8 Who can experience bullying or harassment

- 8.1 Unacceptable behaviour can be experienced by anyone regardless of their gender, age, ethnicity, disability, sexual orientation, religious belief, physical appearance, background or position within the council. Additionally, some people will suffer bullying /harassment because of these factors.
- 8.2 It can occur at any level within the organisation and up, down and across the management structure.
- 8.3 Perpetrators (defined as those people alleged or accused of behaving in unacceptable ways) can be anyone with whom an individual can come into contact at work be it subordinates, peers, colleagues, managers, supervisors, members of the public, partners/ex-partners.

9 Performance management

- 9.1 Line managers are responsible for ensuring that employees who report to them perform to an acceptable standard. Therefore the legitimate, justifiable and appropriate actions taken by a manager in accordance with council policies and procedures to improve an individual's behaviour, attendance, work performance etc. does not constitute bullying or harassment. However, it is acknowledged that some staff may feel anxious or stressed while the procedures are going on.

10 What is the status of the policy

- 10.1 The policy is not contractual but a breach of the policy may lead to disciplinary action.

11 What is the mechanism for review

- 11.1 This policy will be reviewed in 3 years time unless there is a business need to review it earlier.

12 Links to other policies

Stress Management Policy
Disciplinary Procedure
Code of Conduct for Employees
Grievance Procedure
Violence at Work Policy
Domestic Violence Policy

Appendix 1

Examples of acceptable behaviour that promote dignity at work

Everyone has a duty to see that dignity and respect are promoted in their dealings with **all** their colleagues, irrespective of whether those colleagues are managers, peers or staff they manage.

The value that is most clearly linked to the promotion of dignity is “respect”. This means staff should display the following behaviours when dealing with one another. The list is not exhaustive.

- use ordinary everyday courtesy and politeness, including using the names that people prefer
- treat people as they would like to be treated
- act with sincerity, integrity, honesty, fairness, impartiality and diligence
- work positively on a collaborative and co-operative basis with others
- give honest feedback based on evidence
- be open to constructive criticism
- do your job to the best of your ability
- do what is reasonably asked of you even if you disagree
- give people encouragement, help and support when they need and want it
- trust and be open with your colleagues
- respect the diversity of cultures, backgrounds, lifestyles and beliefs that people bring to the workplace
- listen to, respect and value the diverse ideas, contributions and opinions of colleagues
- be sensitive to the needs of others
- respect the privacy, confidentiality and personal space of others
- be aware of the effect your behaviour has on others and only make reasonable and manageable demands
- appreciate and praise good work
- actively seek to build productive working relationships and partnerships with people across and outside the council
- challenge inappropriate or unacceptable behaviour in an appropriate manner
- aim to deliver a first class service to customers both internal and external

Appendix 2

Examples of the types of behaviour which may constitute bullying and harassment

BULLYING

Bullying is regarded as a form of harassment and the overlap between the two is significant. They are both an abuse of power, both can have a devastating effect on the recipient and both are completely unacceptable in the workplace.

Bullying is about intimidation – both in public and in private – that undermines competence, effectiveness, confidence and integrity of the individual or group of individuals, gradually wearing them down and possibly making them feel inadequate in their domestic life as well as at work.

Whilst bullying is most commonly associated with an abuse of power, it can occur at any level within the organisation both up and down the management line as well as across the management structure.

The following list is not intended to be exhaustive but it provides some examples of bullying behaviour which the council considers to be unacceptable:

(a) Undermining an individual's professional ability for example:

- spreading malicious rumours/making malicious allegations to undermine the victim's reputation
- persistent negative and inaccurate attacks on a colleague's personal or professional performance
- inaccurate accusations about quality of work
- persistent and undue criticism
- removing responsibilities and stealing credit for work
- setting an employee up to fail and then repeatedly reminding them of blunders
- public humiliation including being shouted at in front of other staff
- devaluing with reference to age, gender, race, disability, religion or belief or sexual orientation
- hurtful verbal comments and name-calling
- teasing which makes employee feel uncomfortable/insulted
- aggressive behaviour e.g. direct verbal or physical threat
- insulting, unco-operative attitude or insensitive jokes or pranks
- unreasonable refusal of requests e.g. leave, training etc.

(b) Creating extra work or disrupting an employee's ability to work including:

- unreasonable over-scrutiny of work

- persistently setting objectives with impossible deadlines or unachievable tasks
- over-monitoring a colleague's performance
- undervaluing a colleague's contribution
- withholding information from an employee so he or she is less able to do the job

(c) Isolating staff including:

- being treated as non-existent
- preventing access to opportunities such as training
- being physically isolated from other staff
- excluding colleagues by talking solely to third parties to isolate another.

HARASSMENT

Harassment can be carried out by individuals or groups and can equally be directed at individuals or groups, whether colleagues or subordinates, managers or supervisors. It can refer to an isolated incident or repeated actions.

The unwanted conduct is based on distinguishable 'grounds' such as race, gender, gender reassignment, sexual orientation, age, nationality, ethnic origin, disability, religious/ political beliefs, social background, physical appearance, trade union membership, HIV/AIDS status etc.

Harassment may be deliberate and conscious, but it can also be unintentional. It is possible that someone may not be aware that their behaviour is offensive to others. The essential characteristic of harassment is that it is unwanted, unreasonable and offensive to the recipient and not reciprocated. Broadly speaking it is the recipient's perception that determines what harassing behaviour is to them. It is the effect of the behaviour and not the motives of the perpetrator that is the determining factor. Intention is irrelevant.

Harassment can take the form of:

- physical contact ranging from touching to serious assault
- verbal and written harassment through jokes, offensive language, gossip and slander, songs, letters, based on an assumption or knowledge of a person's sexuality, gender identity or race, religious, political conviction etc
- visual display of posters, graffiti, inappropriate text or email communications (e.g. "cyber bullying")
- obscene gestures
- coercion ranging from pressure for sexual favours to pressure to participate in political/religious and social groups
- exclusion or isolation (e.g. from normal workplace conversation).

Specific examples of sexual harassment include:

- unwanted non-accidental physical contact ranging from unnecessary touching, patting, pinching or brushing against a colleague's body, to assault and coercing sexual relations
- unwelcome sexual advances, propositions or pressure for sexual activity
- continued suggestions for social activity, within or outside the workplace, after it has been made clear that such suggestions are unwelcome
- offensive flirting
- suggestions that sexual favours may further a colleague's career or refusal may hinder it e.g. promotions, salary increases etc
- the display of pornographic or sexually suggestive pictures, objects or written materials e.g. pin-ups, calendars
- leering, whistling or making sexually suggestive comments or gestures, innuendoes or lewd comments
- conduct that belittles or ridicules or is intimidating or physically abusive because of the employee's gender, such as derogatory or degrading abuse or insults which are gender-related and offensive comments about appearance or dress. This may include inappropriate forms of address e.g. 'Love', 'My Dear'
- speculation about an individual's private life and sexual activities.

NB This list is not exhaustive

Specific examples of harassment on the grounds of gender identity or expression include:

- conduct that belittles or ridicules or is intimidating or physically abusive because of an employee's gender identity or expression such as derogatory or degrading abuse or insults
- derogatory remarks, name-calling, teasing, jokes, innuendo or gossip aimed at transgender employees, or those who identify with a particular gender or who have undergone, are undergoing, or intend to undergo gender reassignment
- use of transphobic language
- unwelcome discussion of an individual's gender identity or expression
- publicising, or threatening to publicise, any details in relation to transsexual, transgender or gender diverse individuals without their permission
- the display or sending of offensive letters or publications

- shunning individuals because of their gender identity or expression
- offensive actions and physical attack

NB This list is not exhaustive

Specific examples of racial harassment include:

- insensitive jokes or pranks related to race
- use of threats, abuse, insults, taunts and gibes relating to race
- shunning people because of their race, nationality or ethnic background
- deliberate exclusion from conversations
- making racist insinuations
- being condescending or deprecating about the way ethnic minorities dress or speak
- derogatory remarks, graffiti, jokes
- the display or sending of offensive letters or publications
- use of derogatory nicknames or name-calling
- substituting responsible tasks with menial or trivial ones

NB This list is not exhaustive

Specific examples of harassment based on an individual's actual or perceived sexual orientation:

- homophobic or biphobic comments or jokes
- the asking of intimate questions about someone's personal or sexual life
- assumptions that everyone is heterosexual
- assumptions that gay men are HIV positive
- excluding people because of sexual orientation or perceived sexual orientation
- gossip and speculation about someone's perceived sexual orientation
- homophobic graffiti or the displaying or circulating of anti-gay or anti-lesbian material
- offensive actions and physical attack
- making assumptions that any illness experienced by gay men is HIV related

NB This list is not exhaustive

Specific examples of harassment of disabled people:

- uninvited touching
- exclusion from social events
- speaking to others rather than to the disabled person directly
- asking intimate questions about a person's impairment
- making assumptions about disabled people e.g. that they don't have a social, sexual or private life
- physical abuse or intimidation
- questioning a disabled person's work capacity and/or ability by making inappropriate demands or requirements e.g. over zealous scrutiny of sickness records
- making assumptions or speculating about someone's impairment
- mimicking the effect of a disability or speech impairment
- ostracising, ignoring and staring
- making fun of a disability
- use of inappropriate terms (e.g. cripple, spastic)
- inappropriate personal questions/comments about a disability
- belittling or patronising comments or nicknames
- removing/displacing aids such as a walking stick or wheelchair without the person's agreement or consent

NB This list is not exhaustive

