



Dignity at Work policy

Version History

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Document Distribution

Title	Role
Community Safety Manager	Advisory
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Document References

Reference	Document Title
SuzyLamplugh.org - National stalking helpline	Working without fear – A guide for employers on dealing with stalking in the workplace.

Principles

This policy incorporates the following principle:

- **Good faith**
This policy and procedure will be applied in a consistent manner and without discrimination.
- **Fairness**
Any action taken will be reasonable and necessary. Members of staff involved are entitled to be heard with courtesy and respect.
- **Confidentiality**
Information relating to harassment will only be shared with individuals who have a need to know.
- **Representation**
If issues arise within these procedures and a formal approach is required to deal with them, employees will be entitled to be accompanied by a trade union representative or by a work colleague.

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The Council recognises the harmful effects of unwanted behaviours, such as harassment, bullying, stalking, intimidation, discrimination or victimisation, that have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

The term 'unwanted' makes it clear that it is up to the victim of the alleged harassment to decide whether or not a particular type of treatment is offensive to him or her personally. People are different, and what one employee finds funny may be offensive or degrading to another. In judging whether or not particular conduct may amount to harassment, bullying or the like, it is important to bear in mind that the motive of the perpetrator is irrelevant.

The phrase 'purpose or effect' makes it clear that behaviour can amount to harassment in the absence of any deliberate intention to discriminate. The key issue will be the effect on the person on the receiving end of the behaviour. It will not matter whether others find particular behaviour funny or otherwise acceptable if the same behaviour genuinely causes offence or distress to the person who is complaining about it.

However, the conduct in question must 'reasonably be considered as having that effect'. This phrase ensures a degree of balance between the victim's subjective perception of the treatment and an objective, reasonable viewpoint, and means that an oversensitive person who takes offence unreasonably at a wholly innocent remark will not have a legitimate complaint of harassment.

The right to be treated with dignity at work extends to all employees and workers, including agency staff, consultants, casual workers, volunteers and contractors. There is no qualifying length of service required to use this policy.

The Council is committed to providing a working environment for its entire staff that is comfortable and free from any form of unwanted behaviours. Any form of unwanted behaviour including harassment, bullying, stalking, intimidation, discrimination or victimisation may be treated as a disciplinary matter. This policy applies not only at the workplace during working hours but at other work-related activities for example training courses, conference and social functions.

This policy aims to:

- Prevent unwanted behaviours in the workplace;
- Protect you from unwanted behaviour should it occur;
- Encourage the confidence to raise serious concerns and to question and act upon concerns about unacceptable and unwanted behaviours without fear of reprisal;
- Handle complaints seriously, fairly and confidentially; and
- Ensure complainants do not suffer further treatment which could be considered bullying or harassment as a result of raising concerns.

The Council welcomes the support of the recognised trade unions in seeking to eradicate unwanted behaviours.

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1. How do I know if this is the right procedure to use?

There are other existing policies designed to resolve many of these kinds of concerns.

The procedures to be followed in raising and dealing with such issues are set out in the relevant policies, including;

Grievances; equal opportunities; disciplinary matters; performance improvement; health and safety; and capability.

This policy and procedure aims to encourage anyone with a genuine concern to raise it by giving the opportunity, where required, to make the complaint to someone who has no direct involvement with the issue.

This policy should be used to investigate a complaint or suspicion of unwanted behaviour.

2. What constitutes bullying?

Bullying is behaviour that is:

- threatening, aggressive or intimidating;
- abusive, insulting or offensive;
- cruel or vindictive;
- humiliating, degrading or demeaning.

Bullying will inevitably erode the victim's confidence and self-esteem. It normally relates to negative behaviours that are repeated and persistent, and deliberately targeted at a particular individual. Bullying is often an abuse of power, position or knowledge, and may be perpetrated by the victim's manager, his or her peers or even by subordinates. This may also include unwanted behaviour by Elected Members.

The table in Appendix 1 gives some examples of bullying behaviour.

3. What constitutes harassment?

Harassment can take many forms and may be directed in particular against women and ethnic minorities or towards people because of their age, sexual orientation, physical or mental disability or some other characteristic. It may involve action, behaviour, comment or physical contact which is found objectionable or which causes offence; it can result in the recipient feeling threatened, humiliated or patronised and it can create an intimidating work environment.

4. What constitutes stalking?

Stalking is repeated, unwanted contact from one person to another which causes the victim to feel distressed or fearful. It differs from harassment in that a perpetrator of stalking will have an obsession with or fixation on the individual(s) they are targeting. Stalking in the workplace can take many forms. Some stalkers are colleagues or clients of the victim, others are individuals who are unrelated to the workplace but who make contact with the victim there because of ease of access or to cause them further distress.

Victims of stalking can experience a wide-range of behaviours including:

- Nuisance telephone calls
- Being followed
- Death threats
- Making false complaints to employers/ police etc.
- Criminal damage
- Blackmail
- Sexual Assault
- Sending excessive emails
- Sending gifts or letters
- Monitoring behaviour
- Abuse of and through social networking sites
- Visiting home/ place of work
- Physical assault
- Computer hacking

Not all victims will experience all of these types of behaviour and they can occur at differing frequencies.

5. What if I am the victim of unwanted behaviours?

All attempts should be made to resolve the issue informally in the first instance unless the complaint is of a serious nature and needs to be dealt with formally e.g. stalking, violence, threats, or victimisation.

Step 1: Take personal action and if possible ask the alleged perpetrator to stop their offending behaviour if they are able to do so. A workplace colleague / recognised union representative or People Services advisor can act as a witness when this statement is made. However, you should keep a record of the nature of your complaint, when and where incidents take place, your feelings/behaviour at the time, witnesses and response from the alleged perpetrator. This may be needed at a later stage if the unwanted behaviour continues.

Step 2: Ask to speak to any of the following people in a private location to raise concerns:

- your Line Manager;
- the alleged perpetrators Line Manager;

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- a more senior manager if your Line Manager is the alleged perpetrator;
- a People Services advisor;
- the People Services Manager; or
- a trade union representative from trade unions recognised by Boston Borough Council.
- If the unwanted behaviour is from an Elected Member, the Monitoring Officer should be consulted, usually via your line manager and/or People Services.

You can do this alone or accompanied by a recognised trade union representative or workplace colleague or People Services Advisor where appropriate.

Step 3: The person you contact will ensure that the manager of the alleged perpetrator(s) meets those concerned and explains the complaint without making accusations. They will also ensure your line manager is informed so that you can be offered appropriate support. The perpetrator's manager will ask the person(s) if they are aware of the impact of the alleged complaint and give them the opportunity to respond to the allegation. The manager will specify what the required standards of behaviour are and that the consequences of continuing the alleged behaviour could lead to formal action including a formal investigation. The manager will monitor and review the situation, which will include meetings to ensure that the situation has been resolved. In exceptional circumstances, managers of either party may offer a short period of special leave. This will only be done after consultation with the relevant People Services Advisor / People Services Manager

Where a complaint has not been resolved informally the matter may proceed through a formal procedure. Alleged cases of gross misconduct will be dealt with directly through the disciplinary procedure. You can discuss this with one of the people listed at step 2 before taking action.

Step 4: To proceed with a formal complaint, you will be asked to complete a Dignity at Work complaint form. Where requested you will be assisted to complete the form (Appendix 4).

You will be asked to be as specific as possible and report examples of precisely what you saw or heard that caused, or might have caused, offence. This should include issues such as the context and the tone of voice used, as well as the dates and times of the reported incidents, where the incidents took place, any background factors and how the incidents affected them at the time.

You will be asked for the details of witnesses to any of the alleged incidents of unwanted behaviour.

Step 5: Formal complaints will be brought to the line manager (or more senior manager if the line manager is the alleged perpetrator) or any of the people listed in step 2 who will forward it to the appropriate manager.

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The details from the complaint form will be used to determine the appropriate policy/ procedure to address the behaviours of the perpetrator.

An investigation under the appropriate policy will involve confidential meetings, first with the complainant and second with the employee accused of unwanted behaviour. In both cases, the employee being interviewed should be granted the right to be accompanied by a work colleague or recognised trade union official of his or her choice.

- Step 6: Both the employee who raised the complaint originally and the employee accused of unwanted behaviours should be given written feedback (where possible) on the outcome and any actions agreed once the proceedings have been concluded. This will be done within 7 calendar days of the conclusion of the investigation. The Council will decide at the conclusion of the investigation, once all the facts have been established, whether or not it is appropriate to instigate disciplinary action against the alleged perpetrator, and the letter will confirm this decision. This will depend on whether, following the interview, the manager has reasonable grounds for forming a genuine belief that the alleged incidents did in fact occur. There is no need for the manager to have absolute proof of the employee's 'guilt' in order to proceed with disciplinary action so long as there is, following a thorough investigation, a genuine and reasonable belief that the incidents took place.
- Step 7: Your Manager will offer appropriate support to you. This will enable you and the alleged perpetrator to continue to work together and rebuild your working relationship. Where appropriate, mediation or group work will be considered. If you are unable to continue to work with the alleged perpetrator consideration will be given to moving either party, without any implication of blame. This option will be dependent on vacancies available within the Authority; posts cannot be created to facilitate a move.

A follow up review will take place after approximately 3 months to check that the unwanted behaviours have stopped and that the employees have not suffered further victimisation as a result of raising concerns.

NB - The process set out above may vary where Elected Members are concerned in line with the Member Code of Conduct.

6. What if I am victimised for bringing a case or helping an investigation?

The Council will not tolerate victimisation of any person who brings a case or takes part in any investigation. In such instances the Council's codes of conduct and disciplinary procedures will be invoked. The Council will take all such complaints seriously and an employee who makes a genuine complaint of unwanted behaviours will be protected and will not be penalised or victimised in any way.

7. What role do employees have in preventing harassment?

All employees at all levels are responsible for promoting a climate where harassment, bullying, intimidation, stalking, discrimination and victimisation is unacceptable. All employees must familiarise themselves with this policy and ensure that their conduct is free from unwanted behaviour. All employees have a duty to participate fully with any investigation. Not helping will not make the problem go away. This applies equally to all employees. If employees witness unwanted behaviours they are encouraged to challenge, in an appropriate way or contact their immediate Line Manager / Supervisor or People Services for help & advice.

8. What role do managers have in preventing harassment?

Managers have responsibility to familiarise themselves with this policy, ensuring they abide by the principles set out, treating their staff with dignity and respect. They must:

- Ensure that their conduct themselves appropriately and free from any unwanted behaviours;
- Consistently reinforce standards of behaviour;
- Deal with complaints brought to their attention both appropriately, impartially and in a timely manner;
- Take complaints seriously, and not underestimate the effect on an individual's feeling;
- Follow up any case brought to them and monitor the situation to ensure that any harassment ceases.

9. Will managers only investigate harassment when there has been a complaint?

If any Manager has grounds to believe that an employee or elected member may have been behaving in a manner which is unwanted by another employee, whether or not there has been a formal complaint, they will instigate an investigation into the suspected behaviour. Employees are encouraged to report any incidents that they experience or witness so that the Council can investigate and resolve the matter promptly. This does not mean that managers should sit back and wait until a complaint is lodged before taking action. If a manager sees or hears anything that indicates that an employee may be experiencing unwanted behaviours of a colleague, the manager should intervene and take the necessary steps to put a stop to any behaviour that is liable to cause offence or distress. Nipping a potential problem in the bud is much better than doing nothing and thus creating the risk that the situation may escalate into a formal complaint.

10. How can we all guard against offensive behaviour?

General banter linked to sex, race, religion, sexual orientation or age is the most common form of harassment in employment. Managers will ensure they properly brief all their staff as to the types of conduct and speech that might cause offence to others and make it clear that such behaviour is unacceptable.

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Employees are encouraged to realise that their colleagues will have differing views and feelings and differing levels of sensitivity about certain matters.

It is a requirement in every department that employees treat their colleagues with dignity and respect and refrain from any behaviour that might cause offence.

Appendix 1: Examples of bullying behaviour

The following table gives some examples of behaviour that could be perceived as bullying, depending on the circumstances (this is not an exhaustive list):

General	Superior to subordinate
Ostracising someone, i.e. refusing to speak to them, blatantly ignoring their views or comments, or excluding them from work-related or social activities.	Deliberately imposing grossly excessive or unachievable workloads or impossible deadlines in order to make life difficult for a particular employee.
Deliberately withholding vital work-related information in order to embarrass someone or make them look foolish.	Repeated unfair criticism or destructive and negative criticism that focuses on blame rather than future improvement.
Personal insults or put-downs.	Criticising the individual in front of colleagues.
Spreading rumours or gossip or making false allegations about someone in order to discredit them.	Excessive or overbearing monitoring of a particular employee's work without good reason.
Physical shoving or barring someone's way.	Ordering a particular employee to work below their level of ability, or to perform mundane or demeaning tasks, for no proper reason.
Playing practical jokes on someone.	Removing an employee's responsibility without consultation and for no proper reason.
Aggressive or intimidating behaviour towards an individual, especially if displayed in front of others.	Threatening an employee with dismissal.

Appendix 2: Victims of stalking at work: Case Studies

In the UK, 1 in 5 women and 1 in 10 men are stalked at some point in their lives.
British Crime Survey 2011

77% of people experience 100 incidents or more before contacting the police
Sheridan 2005

Tracey

Tracey was stalked by a colleague for eight years. He installed listening devices in her sofas, stole items from her home, stole her keys and copied them to access her property, made silent phone calls, sent unsigned cards and tried to arrange for someone to kill her husband. This had a devastating impact on Tracey's life causing her to move home and end her marriage. Her employer told her "to be mature about it".

[Example provide by Suzy Lamplugh Trust]

Chris

Chris experienced a year of stalking hell at the hands of a former co-worker. It started as anonymous 'nice' text messages or presents but escalated to phone calls. Chris asked them to stop but this just seemed to make it worse. It was relentless and eventually he went to the Police. As he had no idea who it was and the calls/ texts were private from internet services the police said there was nothing they could do.

After about 6 months the perpetrator said something about a suit he used to wear to work. He then realised that the stalking had begun a week after he had left an old job and all of a sudden knew who it was- it all made sense.

The National Stalking Helpline advised Chris that stalking was against the law and helped him to get in control of the situation. He started to document everything and went back to the police who went and talked to his stalker. They issued a Police Information Notice. As soon as they were told they were breaking the law the stalking stopped.

[Example provide by The National Stalking Helpline]

Appendix 3: Guidance to managers when concerns about unwanted behaviours are raised.

Managers are responsible for:

- positively implementing the policy and taking corrective action to ensure compliance;
- dealing with any individual, group or service of the Council which behaves in a way which undermines the spirit of this policy;
- complying with legislation and with this policy at a practical level through their actions in recruitment, training, development, discipline and general management of employees;

Employers may be held to be liable for what their employees do during their employment, whether or not the employer knows of those acts. Employers can avoid a successful claim of unlawful discrimination (on the grounds of sex, race or disability) only if they can show that they took reasonable steps to prevent the offending acts being committed. A failure to act responsibly could also lead to an employee's resignation and successful claim against the Council.

When someone is the victim of unwanted behaviours it can have a hugely detrimental effect causing them to feel unsafe, anxious and distressed. This can have a knock-on effect on their physical and psychological wellbeing and can result in increased sickness absence, lateness, poor working relationships, reduced job satisfaction and productivity and high staff turnover.

Employees may be reluctant to report instances of unwanted behaviour out of fear of damaging working relationships with their colleagues, fear of reprisals, embarrassment or worry that they may be perceived as troublemakers. It is important for managers to bear in mind that just because no one has complained this does not mean that unwanted behaviour is *not* taking place.

Bear in mind that employees will often tolerate unacceptable behaviour for a long period of time. This should not mean that, when a complaint is finally made, it should be treated any less seriously.

Identifying that an employee is experiencing difficulties at an early stage will enable you to offer appropriate support; this will help the victim be able to deal with their situation much more effectively.

A complaint of harassment may come to light in a number of different ways - from a complainant, a colleague of the complainant, a witness to an incident or behaviour, or a Trade Union representative, or you may notice an incident or behaviour yourself. It is vital that you act appropriately, offering any support that is needed, and that you take immediate and regular advice from People Services. The needs of people who feel they are being bullied, harassed or unfairly treated must be appreciated and they are likely to need to:-

- be listened to;

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- be able to talk in confidence;
- have their feelings acknowledged;
- not to be blamed/ judged;
- not to be thought of as a “*trouble maker*”;
- be asked what they wish to do, having been advised of the possible options;
- not to be treated as being over sensitive;
- feel assured that the offensive behaviour will stop.

Managers are in a difficult position on receiving a complaint. Whilst it is important to be supportive to a complainant, this should be balanced by the need to remain objective and fair pending investigation of a complaint.

It is important that you deal with any complaint as a matter of urgency. Delays in getting a complaint investigated and resolved may cause prolonged distress to the complainant and alleged offender.

In the prevention of unwanted behaviours, you must ensure that employees understand what is unacceptable behaviour and that, where appropriate, disciplinary action will be taken against its perpetrators. You should also set an example through your own behaviour.

A further responsibility is the provision of information to employees about their right to complaint, and the means of going about it, if they experience unwanted behaviour in any form.

Finally, you need to be clear about your role in dealing with complaints and take all complaints seriously.

There is an informal procedure for complaints by which employees experiencing unwanted behaviours can seek to resolve the matter, you may become aware of such instances only when employees have reached a stage where they are considering making a formal complaint. However, even at this stage, it is reasonable for a manager to establish whether the informal route has been fully explored; if it has not, if it is appropriate to do so and accepted by the employee as a suitable course of action; that means of resolving the complaint ought to be tested first. However this should not prevent formal complaints being made if the person is unable to approach the alleged perpetrator personally.

Concerns relating to the behaviour of elected members should be discussed with the Monitoring Officer at the earliest opportunity.

There are three main principles which should underpin the manager's role in dealing with complaints of unwanted behaviour:

1. Treat complaints seriously

This may seem an obvious point to make but it is easy (and often convenient) to dismiss complaints as “a clash of personalities”, or “a bit of harmless fun”. Such responses without proper consideration and investigation are unacceptable and may be seen as condoning undesirable behaviour. If a complaint of unwanted behaviour is brought to your attention you must always treat it as serious.

2. Ensure that complaints are thoroughly and promptly investigated

You should consider which policy is appropriate for the investigation to be conducted under. If the Grievance procedure is used, this commits the manager to beginning an investigation immediately. It may be appropriate in some circumstances to suspend or temporarily redeploy on alleged perpetrator to prevent further incidents. This should only be done once advice has been sought from People Services.

3. Take action

After a thorough investigation has been carried out, the investigating officer will make a recommendation.

It may be the case that the investigating officer recommends some other action than, for example the relocation or transfer of one of the parties involved.

If the recommendation is that the claimant be relocated this must be done with the agreement of the claimant and with no detriment to terms and conditions of employment.

The investigating officer may also conclude that the complaint has no validity and recommend that no action be taken. In such cases, managers should consider the effects on the staff involved, following the complaint and investigation. Measures such as the voluntary transfer of staff may need to be considered therefore, even in cases where no action has resulted from a complaint. Where staff transfers are considered because of a valid complaint the interests and concerns of the complainant must always be paramount. Additionally you may find a malicious allegation has been made and therefore the employee making the allegation will be subject to the disciplinary procedure.

Making the right decision about appropriate action, whether formal or informal, is crucial. Managers are encouraged to seek advice from People Services at the appropriate stages of the investigation and decision-making process.

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Do take prompt action whenever there is evidence of unwanted behaviour, whether or not anyone has complained.

Do listen and take any complaint seriously.

Do reassure the employee of confidentiality but highlight the circumstances where confidentiality may be broken and information shared with others including external agencies.

Don't make comments/ judgments regarding the perpetrators behaviour or the victim's response.

Do investigate all allegations carefully and thoroughly.

Do approach investigatory interviews with an open mind.

Do listen carefully and without bias to what employees have to say.

Do adopt a sensitive and non-judgmental approach when dealing with employees who have experienced stalking, harassment or bullying.

Don't jump to premature conclusions about the validity of a particular complaint.

Don't show emotion, for example anger, during any of the interviews.

Don't try to rush the interview as the employee may need time to respond fully.

Don't forget to follow up afterwards to ensure that the matter has been properly resolved, and to make sure that working relationships have settled down and there are no recriminations.

Do take steps to refer to appropriate agencies and provide information about specialist organisations that can offer expert support. A list is provided in the appendices to the Dignity at Work policy.

Do offer practical support within the organisation as far as possible and provide ongoing support to ensure the employee's safety and wellbeing are being monitored, such as allowing flexi-time working, making security and reception aware of a stalkers description, providing equipment, technology or assistance to increase their personal safety such as, walking with them to their car or providing a personal alarm.

Do carry out a risk assessment with a victim of stalking and where appropriate develop a personal safety plan. This should be open to regular reviews. Ensure that the risk assessment consider other employees who may also be harm from the stalker.

Appendix 4: Sources of help

National Stalking Helpline – information and guidance line for anyone who is affected by stalking or harassment.

www.stalkinghelpline.org 0808 802 0300 advice@stalkinghelpline.org

Suzy Lamplugh Trust – advice, information and training about personal safety, enabling people to avoid becoming victims of violence and aggression.

www.suzylamplugh.org

Digital Stalking – advice and information about cyberstalking, provides tips and information about staying safe online.

<http://www.digital-stalking.com>