

## Fair Treatment at Work Policy

Version	Date	Status	Comments
1.0	12 March 2013	Draft	Draft policy
1.0	August 2013	Draft	Consultation with staff via JCC and Corporate Bulletin Board. 16 August 2013 to 30 September 2013.
1.0	17 September 2013	Draft	Submitted to the JCC for consideration and feedback.
1.1	17 December 2013	Draft	Republished after revisions made in response to consultation.
1.2	17 March 2014	Final	Approved by Resources Portfolio Holder.
1.3	February 2017	Final	Minor amendment to v1.2 to consider the inter-relationship with the Disciplinary Procedure

## **1. Introduction**

Eden District Council is committed to providing a good working environment and ensuring that employees are treated with dignity and respect whilst at work. Acts of unfair treatment will not be tolerated. It is important to pay attention to the way employees treat each other and how they are managed. If employees are to perform at their best, they not only need to be set challenging targets, but they also need to feel that they are treated with fairness and respect.

## **2. Purpose**

The purpose of this policy statement is to ensure everyone is aware of the standards of behaviour expected from them in terms of fair treatment at work. It aims to assist in the development and maintenance of a working environment in which harassment and bullying are unacceptable. The policy clarifies employees' responsibilities, while providing a clear framework which will ensure that complaints of unacceptable behaviour are dealt with promptly and fairly.

## **3. Scope**

This policy statement applies to all employees of Eden District Council.

## **4. Responsibilities**

### **4.1 Employees**

All employees have a responsibility to comply with this policy statement and to ensure that their behaviour towards colleagues is respectful, does not cause offence and could not in any way be considered harassment or bullying. This standard of behaviour is also expected of employees in relation to their dealings with customers and external partners.

It may also be appropriate for employees to be supportive of colleagues who may be subject to bullying and/or harassment. In addition, employees should not accept behaviour that may be offensive when directed against themselves or others and take positive action to ensure that it is challenged and/or reported.

### **4.2 Managers**

Managers (which includes all line managers) must set a good example by treating all employees with dignity and respect, and in turn should be treated with respect by colleagues. They have a responsibility to understand the policy and make every effort to ensure that harassment and bullying do not occur.

Managers are responsible for ensuring that employees who report to them perform to an acceptable standard which may include for example legitimate monitoring of an employee's behaviour or job performance, providing constructive criticism regarding work or performance or challenging views and opinions in an appropriate way. These duties along with any other reasonable and lawful requests, made in a fair and consistent manner, will not constitute bullying.

Managers should take allegation of harassment or bullying seriously, responding promptly, sensitively and supportively to any employee who makes an allegation. They should provide clear advice on the procedure to be adopted, maintain confidentiality in accordance with this policy statement, and monitor the work environment to ensure that there are no problems of harassment, bullying, or victimisation after a complaint has been made.

The duties of managers include being alert to unacceptable behaviour and taking appropriate action. Managers should not wait until complaints are brought to their attention if they are aware of potentially offensive behaviour of other employees. They should tackle and where possible resolve incidents of harassment in an informal manner. The scope of this responsibility is not limited to a managers own team. Managers are expected to be proactive ambassadors of fair treatment in the work place and should be alert to unacceptable behaviour wherever it may appear in the workplace.

Managers should ensure that employees know how to raise problems, and are aware of the policy statement and sources of help and support.

### **4.3 Human Resources**

The Human Resources Department has a responsibility to ensure that this policy statement is followed fairly and consistently. Their duties will include:

- Advising managers and staff on the application of the policy statement;
- Monitoring the incidence of harassment and bullying and analysing the results;
- Reviewing and amending the policy as necessary;
- Providing appropriate training for employees and managers on this policy;
- Facilitating employee support arrangements and monitoring their effectiveness.

## **5. Related Policies and Procedures**

The following Council policies and procedures have a relationship with this policy statement:

- Equality of Opportunity in Employment Policy Statement;
- Code of Conduct;
- Grievance Policy and Procedure;
- Disciplinary Policy and Procedure;
- Council's Complaint Procedure

## **6. Principles**

The following principles apply:

- Everyone has a duty and responsibility to promote a positive working environment, which incorporates the Council's organisational values, promotes

openness, trust and respect, thereby developing a culture where diversity is valued;

- Everyone must behave in a way that will not cause offence to others, and to acknowledge that views and opinions held by others may differ from their own;
- Employees are expected to take appropriate action if they become aware of any act of harassment, bullying, discrimination or victimisation. Employees should bring the incident to the attention of management or the Human Resources section;
- If an employee wishes to make a formal complaint in relation to fair treatment at work this should be done in writing to their line manager or, in circumstances where it is not appropriate to raise the matter with their line manager, to their second line manager;
- When an employee makes a complaint against another employee, the complaint should be specific and not general accusations;
- All complaints will be dealt with in a confidential, sensitive and objective manner and all parties involved will be treated with due respect and protected from victimisation and have the right to an impartial investigation;
- If a complaint is upheld or upheld in part, appropriate remedial action will be taken;
- Following investigation, complaints that are found to be malicious will be viewed as a potential disciplinary offence and appropriate action may be taken against the complainant in accordance with the discipline policy;
- It will be considered a disciplinary offence for any employee to victimise or retaliate against an employee for bringing a complaint of harassment, bullying, discrimination or victimisation.

## **7. Recognising Unacceptable Behaviour**

### **7.1 Harassment**

Harassment can be any unwanted attention or behaviour that a person finds objectionable or offensive and which makes them feel threatened or uncomfortable, leading to a loss of dignity or self-respect.

Continued harassment can lead to:

- loss of confidence;
- demotivation;
- poor team working;
- short term and long term absence, and
- high staff turnover.

### **7.2 Bullying**

Bullying is harassment which is not based on race, sex, or any other personal factor. As with other forms of harassment, it can be defined as words, actions or other

conduct which ridicules, intimidates or threatens and affects individual dignity and well being. It may take many forms and may not be easy to recognise.

Examples include:

- Physical or verbal aggression;
- Offensive language or threatening behaviour;
- Unreasonable behaviour;
- Non co-operation or isolation;
- Victimisation or intimidation;
- Unlawful or unreasonable management requests;
- Inappropriate threats of disciplinary action;
- Inappropriate use of e-mail;
- Inappropriate use of other cyber applications, such as text messages and social networking sites.

For clarity it should be noted that 'words, actions or other conduct' includes written communication such as email.

### **7.3 Discrimination**

The Equality Act came into force in October 2010 to harmonise and replace previous legislation such as the Race Relations Act 1976 and the Disability Discrimination Act 1995.

The Equality Act covers the same groups that were previously protected by different pieces of equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are now called 'protected characteristics'.

There are a number of forms of discrimination which are unlawful:

#### **7.3.1 Direct Discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

#### **7.3.2 Discrimination by association**

This applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

#### **7.3.3 Perception discrimination**

This applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. This is direct discrimination against an individual because

others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

#### **7.3.4 Indirect discrimination**

This applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment.

Indirect discrimination can occur when an organisation has a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can show that the organisation acted reasonably in managing their business, i.e. that it is 'a proportionate means of achieving a legitimate aim'.

### **8. Dealing with Unacceptable Behaviour**

Unfair treatment of employees is unacceptable and the Council is committed to dealing with such issues in a timely and fair way.

#### **8.1 Informal Steps**

Most recipients of unfair treatment simply want the treatment to stop. If it is possible, the employee should attempt to resolve the problem informally in the first instance.

The employee should explain clearly, to the person engaging in the unwanted conduct, that the conduct is not welcome and that it offends him/her or makes them uncomfortable and that it interferes with work. It is acceptable for the employee to ask a colleague, manager or a member of the Human Resources section to express this to the person involved, if the situation is too difficult or embarrassing. In instances where the effect of the conduct is unintentional the matter may be readily resolved.

If the unwanted conduct continues, or if the employee considers the issue cannot be dealt with informally, s/he could consider making a formal complaint, which should be made to their line manager in the first instance.

#### **8.2 Formal Complaints**

The Council has a number of formal routes that can be used to address complaints of unfair treatment. Determining the most appropriate route will depend on the exact nature of the unfair treatment and the outcome that the employee subjected to such treatment is seeking. Employees considering formal action may seek advice on the most appropriate route from their manager or a member of the Human Resources section.

##### **8.2.1 Grievance Procedure**

In some instances the employee may wish to use the Council's Grievance Procedure in order to deal with issues of unfair treatment.

Due to the fact that the Grievance Procedure does not look to apportion blame, it is unlikely to be appropriate to use this route where the alleged behaviour is considered



to be a breach of the Council's policies and/or could be deemed to be a disciplinary offence.

Where an employee wishes to use the Grievance Procedure and the Council considers the alleged unfair treatment to be a potential disciplinary offence, it may be necessary for the Council to instigate an investigation under the Disciplinary Policy and Procedure. In such cases this matter will be fully discussed with the employee who has been subject to the alleged unfair treatment before an investigation is commissioned.

A copy of the Council's Grievance Policy and Procedure can be found on SharePoint.

### **8.2.2 Disciplinary Procedure**

Where the employee believes the alleged behaviour is considered to be a breach of the Council's policies or Code of Conduct, s/he may wish to make a complaint under the Disciplinary Procedure, which will be used to investigate the allegations fully and determine whether disciplinary action is appropriate.

A copy of the Council's Disciplinary Policy and Procedure can be found on SharePoint.

### **8.2.3 Council Complaints Procedure**

Where an external contractor makes a complaint of unfair treatment against an employee of Eden District Council, the issue will be investigated in accordance with the Complaints Procedure.

## **8.3 Support for Employees**

The Council's confidential counselling service is available to all employees throughout the process used to address an allegation of unfair treatment.