

Merthyr Tydfil County Borough Council Human Resources Department



Dignity & Respect at Work Policy

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Policy – Dignity & Respect at Work Policy

Policy approved by	Date approved	Date implemented	Policy Owner	Review date
Full Council	4 th November 2015	4 th November 2015	Bev Taylor	1 st April 2025

Prior to contacting Human Resources regarding the content of this policy, it is recommended that you refer to the most up to date version on the intranet.

As is the case with all intranet documents, this policy is subject to review due to legislative and policy changes. The latest version of all Human Resources documents can be found on the HR Intranet pages.

Version No.	Date approved	Approved by	Amendment
1.0	25 th March 2020	Full Council	Delegated Authority to make minor amendments Insertion of amendment sheet. Transgender rights added.
2.0	31 st March 2021	Fran Donnelly	No changes.
3.0	2 nd May 2023	Hannah Brown	No changes.

1. INTRODUCTION

Merthyr Tydfil County Borough Council is committed to providing a positive environment in which employees are treated with dignity, respect and courtesy.

It is important that all employees of the Council should be able to recognize, challenge and where necessary complain about bullying and harassment should it arise, with confidence that their concerns will be treated in good faith and investigated fairly and appropriately.

The Dignity and respect at Work Policy will underpin this approach by making it clear that Council's zero tolerance approach to all forms of bullying and harassment in the work place and in any work-related setting e.g. business trips and work sponsored social events.

2. SCOPE

The purpose of this Policy is to foster an environment in which bullying, harassment and intimidation are acknowledged as unacceptable and are not tolerated by the Council.

This Policy applies to all employees employed by Merthyr Tydfil County Borough Council including part time and temporary staff. It does not apply to school based staff who will follow a separate policy.

It should be used to deal with any incidents of bullying, harassment and intimidation occurring between members of staff. Please see section 10 for third party related incidents.

The Policy informs employees that all forms of bullying and harassment will not be tolerated and all allegations will be investigated, leading to disciplinary action being taken against the offender or offenders if appropriate. The Policy brings to employees' attention what constitutes bullying and harassment, and what they should do if they believe they are bullied or harassed or if they have witnessed this behaviour.

This document is designed to help and encourage all employees to achieve and maintain acceptable standards of behaviour towards colleagues and non-employees. Where there are concerns that an employee may be treating someone without respect, it is designed to ensure that the possible offender is treated objectively, consistently and fairly.

This Policy should be used in conjunction with the Grievance Policy, Disciplinary Policy and Equal Opportunities Policy. This is not an exhaustive list.

The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which an employee knows or ought to know would be harassment, which includes causing someone harm or distress. Under the Health and Safety Act 1974, staff are entitled to a safe place and system of work. This Policy also takes into consideration the Equality Act 2010 and the Employment Rights Act 1996. Please refer to the Council's Single Equalities Scheme and Equalities Policy for further information.

3. RESPONSIBILITIES & CONFIDENTIALITY

For dignity and respect to be embedded in the culture of Merthyr Tydfil County Borough Council's behaviour, the Council seeks to develop an environment in which every individual is valued and respected. It is the impact on the recipient of a particular form of behaviour, and not the intention of the perpetrator, that will define whether this policy is relevant in dealing with the impact.

All employees and non-employees have the right to be treated with dignity, fairness and respect at all times and must ensure that the commitment to good employment practice is maintained.

Employees have the responsibility to report to an appropriate person (e.g. Line Manager, HR Adviser, Trade Union Rep) any forms of bullying or harassment.

The Council seeks to resolve such issues as quickly as possible and recommends that where possible an informal approach should be adopted. If the behaviour concerned continues or is of a serious nature in the first instance, formal procedures should be pursued. Cases will be investigated maintaining the confidentiality of both parties as far as possible although witnesses may need to be interviewed to collect evidence.

In line with this policy, the Council will:

- Treat all allegations seriously and in good faith.
- Investigate all allegations in a timely manner.
- Ensure that any allegations made maliciously or vexatiously will be dealt with in line with the Authority's Disciplinary Procedure.

All employees are responsible for their own behaviour and it is expected that all individuals will comply with the standards of behaviour as laid out in this Policy.

Anyone involved in making a complaint or investigating a complaint is responsible for observing confidentiality. Details will be on a need to know basis. Some information may be placed on an employee's personnel file and will comply with the Data Protection Act 2018.

4. STANDARDS OF BEHAVIOUR

The Council has adopted a set of core values and associated behaviours which underpin the way that the organisation operates, these are outlined below:

- Honesty & Openness.

All employees are expected to be truthful, open and informative in dealing with colleagues and the public. Staff must be as open as possible about the decisions and actions you take and be prepared to give reasons for your decisions. You should feel comfortable about expressing your views without fear of reproach.

- Trust & Respect.

All employees must treat others with trust and respect so that each can carry out their job role within a supportive framework. Staff should show mutual respect and consideration for others and where trust or loyalty is abused this will be addressed.

- Accountability.

All employees must work to the best of your ability to support the implementation of the decisions of the Council. Staff must be prepared to be accountable for their actions and be prepared to submit themselves to scrutiny as appropriate.

- Learning.

All employees will have the opportunity to gain skills and knowledge and are encouraged to share practices and learn from others.

- Aspiration.

All employees are encouraged to be proactive so that each is thinking, planning forward and learning lessons from previous experiences and having innovative ideas. You should feel you are working in an environment where you are encouraged to have high aspirations and set yourself challenges in order to overcome barriers to progress.

- Team Working.

All employees are encouraged to share ideas, working practices within your team, department and directorate in order to present a united and common front for the wider public.

- Communication.

All employees will be kept well informed on a timely basis about the range of activities and high profile programmes and projects across the Council. Team meetings are used to provide consistent communication between managers and staff.

5. WHAT IS BULLYING, HARASSMENT AND VICTIMISATION?

Bullying is not specifically defined by law but can be characterised as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power which has the effect of undermining, humiliate or injuring the recipient.

Bullying can be carried out by an individual or a group. It can take many forms, including someone in authority bullying an individual, peer to peer, or an individual to a line manager.

Examples of bullying may include (but are not limited to):

- Exclusion with negative consequences e.g. essential information being withheld so a task may be delayed.
- Verbal abuse/insults
- Persistently ignoring or patronising an individual
- Being treated less favourable than other colleagues
- Persistent unjustified criticism
- Being pressured into behaviours or actions against the wishes of the individual
- Intimidation

- Blame for things beyond the control of the individual.

Harassment is covered by the Equality Act 2010 which addresses nine protected characteristics. These are:

- Age
- Disability
- Gender Reassignment
- Marriage and civic partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual Orientation.

Harassment is defined by the Equalities Act as 'unwanted conduct (relating to a relative protective characteristic), which has the purpose or effect of violating an individual's dignity or creating an intimidating, degrading, humiliating or offensive environment for that individual.'

Victimisation is a type of harassment. This occurs when an individual treats another individual less favourably because she or he has alleged that harassment has occurred or is helping someone else to do so.

The Equality Act protects individuals against harassment by considering whether the conduct that has taken place falls within the definition of harassment. The Act also provides additional protection as follows:

It protects people against harassment on the grounds of a **perceived protected characteristic**, even if that perception is incorrect e.g. making offensive remarks about gay people because a colleague is perceived as gay, whether they are or are not.

An individual is protected from harassment on the grounds of the **association** with another person who has a protected characteristic e.g. because they are the friend of a disabled person.

People have the right to complain about behaviour they find **personally offensive** even if it wasn't directed at them e.g. a male worker can complain about sexist remarks about a female worker (whether or not she was present when the remarks were made).

Examples of harassment include (but are not limited to):

- Unwanted physical contact
- Unwelcome remarks or jokes about, for example, a person's age, appearance, marital status
- Unwelcome advances, attention or propositions
- Unwelcome written or visual communication such as posters, graffiti or offensive gestures
- Intrusive questioning
- Publicising or threatening to publicise the sexual orientation of someone without their permission
- Misuse of the internet and social networking sites to ridicule or harass

- Isolation, non-cooperation or deliberate exclusion of an individual from a work or study situation.

The Equalities Act also replaces the existing equality law (such as the Sex Discrimination Act 1975 and the Sex Discrimination (Gender Reassignment) Regulations 1999 with a single Act.

The Equality Act applies to 'transsexual people' and ensures that gender reassignment is a 'protected characteristic'. A transsexual person is defined as someone who is proposing to undergo, is undergoing or had undergone a process to change their sex. To qualify for protection from direct and indirect discrimination and from harassment on the basis of their transsexual status, transsexual individuals no longer have to show that they are under medical supervision; they are protected by the Act as soon as they first present in the gender opposite to their birth sex (and do so with the intention of living permanently in this opposite gender).

Employees should ensure that trans people are treated as being of the gender in which they live. Trans individuals should have equal rights and equal access to benefits, including equal recognition of their partner and family, and not discriminated against on the grounds of gender or marital/civil partnership status.

In order for equality and respect to be addressed, the following issues will need to be dealt with sensitively, appropriately and timely:

- Toilet facilities
- Dress requirements
- Employee records and confidentiality
- Time off for treatment (please see Authority's Special Leave Policy)
- Employee pensions and benefits.

6. HOW TO PREVENT BULLYING AND HARASSMENT

All employees have a responsibility to help create and maintain a work environment free of bullying and harassment. Managers and other in a position of authority should lead by example and take prompt action to prevent and stop harassment and bullying when it occurs. All employees can expect to:

- Be treated with dignity, respect and courtesy
- Be able to work free from unfair treatment, bullying, harassment or victimisation
- Be valued for their skills, abilities and experiences.

Reciprocally, all employees are expected to:

- Familiarise themselves with the content of this Policy
- Treat all members of the Authority with dignity, respect and courtesy
- Contribute towards a positive working culture within the Council.
- Challenge or report unacceptable behaviour
- Be mindful of others when expressing views
- Cooperate with investigations into harassment and bullying.

7. USE OF SOCIAL MEDIA

The Council recognises that many employees make use of social media in a personal capacity. While they are not acting on behalf of the Council, employees must be aware that they can damage the organisation if they make inappropriate comments which can then be associated with the Council.

Employees must refrain from discussing work related issues on social media and making any comments which may be perceived as reflecting negativity on the Council or conflict with corporately held views.

Any communication that employees make in a personal capacity through social media must not:

Bring the Council into disrepute, this could include:

- Making defamatory comments about individuals or other organisations or groups.
- Posting images that are inappropriate or links to inappropriate content.
- Expressing views that could bring the Council's impartiality into question.

Breach confidentiality, this could include:

- Revealing confidential/sensitive information.
- Discussing the Council's internal workings.

Do anything that could be considered discriminatory against, or bullying or harassment of, any individuals, this could include:

- Making offensive or derogatory comments.
- Using social media to bully another individual.
- Posting images that are discriminatory or offensive (or links to such content).

All employees should note that any breach in relation to mis-use of social media may lead to disciplinary action. Please see the **ICT Social Media Policy**.

Serious breaches (for e.g. incidents of bullying of colleagues or social media activity causing serious damage to the Council) may constitute gross misconduct and lead to summary dismissal.

8. INFORMAL RESOLUTION

The alleged perpetrator may be unaware that their actions or behaviour are deemed as unacceptable by the recipient and it may be possible to resolve the issue without resorting to a formal procedure. If it is not possible or appropriate to resolve issues informally, the formal procedure should be used.

Suggestions on how to address harassment and bullying informally are detailed below:

Talk to the person – If you feel able and comfortable to do so, approach the person who is treating you in a manner which you believe is detrimental to your dignity. Explain to them what has happened and how it has made you feel. This should be done as soon as possible. Their actions may have been unintentional and they may be unaware how they have affected you. If this is the case, it is still important that you make them aware of how their actions have made you feel so that they can ensure this is not repeated in the future.

Alternatively, you could ask someone (colleague) to approach the person on your behalf.

Keep a diary – a record should be kept of incidents that occur. This record should include dates, times, locations, details of people present and other factors that may be important such as how the actions made you feel. A written record could prove useful if a formal complaint is pursued.

Raise the matter with someone in a more senior role – this could be a line manager or another colleague in a position of authority who could take appropriate steps to resolve the matter informally. If the matter cannot be resolved informally, this person will then be in a position to provide evidence if the formal procedure is pursued.

Mediation – this can be arranged through the Human Resources Department if both parties agree. Mediation is a way of resolving disputes and disagreements where a mediator acts as an impartial third party, helping the individuals involved in a dispute to identify and negotiate an acceptable and appropriate resolution to their problems.

9. FORMAL PROCEDURES

The Council expects employees to try to resolve their concerns informally before making a formal complaint (unless they do not want it dealt with informally or if the issue is so serious it has to be escalated to a more formal stage). If attempts to seek informal resolution have not been successful, the appropriate formal procedure may be pursued.

The formal complaint should be made in writing using the Grievance Form (please refer to the Council Grievance Policy). The formal grievance procedure should aim to resolve the complaint smoothly and effectively. Possible outcomes of a formal complaint include:

- A formal commitment from the person complained against that the behaviour will stop, or that an action will not be repeated.
- Misunderstandings are clarified and resolved.
- Resolution through a mediation provision.
- Disciplinary action.
- Training and advice for the person who is the subject of the complaint relating to their behaviour (e.g. awareness raising, counselling, mentoring, staff development, monitoring for a fixed period).
- Serious bullying or harassment will be treated as gross misconduct and in some cases could constitute a criminal offence.

If you are a member of a trade union you should contact them for advice and support.

If the manager receiving the complaint has been involved with trying to resolve it informally a more senior manager should deal with the formal complaint (normally the manager's line manager).

Both parties will be advised of the outcome which will as far as possible remain confidential to the parties involved.

Following disciplinary or formal action serious consideration will be given to future working relationships which may involve relocation of one or both parties involved.

10. THIRD PARTY HARASSMENT (CUSTOMER, EXTERNAL OR PARTNERSHIP)

The employer is potentially liable for any harassment of employees by third parties who are not employees. This liability will only occur if after at least two previous occasions, the Council who must have been made aware, have not taken reasonable steps to prevent the harassment.

If you find yourself subject to harassment from a third party within the work environment, such as a customer or client, you need to approach your line manager who will record the harassment complaint formally and will ensure an investigation is undertaken and suitable measures put in place to prevent or mitigate any further incidents where possible.

This could include putting up a customer sign stating that harassment is not tolerated, preventing a customer from making direct contact or removing the employee or employees from exposure to that particular risk in the future.