



*Dunbartonshire and Argyll & Bute
Valuation Joint Board*

POLICY ON DIGNITY AT WORK

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DIGNITY AT WORK

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Policy on Dignity at Work

1. PURPOSE

- 1.1 Dunbartonshire and Argyll & Bute Valuation Joint Board (DABVJB) recognises that all employees have the right to be treated with dignity and respect in their working environment. As an Equal Opportunities employer the Joint Board is committed to ensuring that no employees are subjected to any type of offensive behaviour such as harassment, discrimination, victimisation or bullying. DABVJB regards such offensive behaviour as serious acts of misconduct.

The purpose of the Policy on Dignity at Work is to enhance this commitment to employees by providing a clear framework within which all forms of discrimination, harassment, victimisation and bullying can be discouraged and promptly addressed. This Policy takes into consideration the undernoted employment legislation and has fully considered relevant codes of practice.

- Sex Discrimination Acts 1975 and 1986 – extended April 2008
- Race Relations Acts 1976 – Race Regulations 2003
- Disability Discrimination Act 1995
- Rehabilitation of Offenders Act 1974
- Public Interest Disclosure Act 1998
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Equal Pay Act 1970
- Employment Equality (sexual orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (age) Regulations 2006

- 1.2 The Joint Board recognises that any employee who suffers or may have suffered discrimination, harassment, victimisation or bullying at work may be able to seek remedies through the civil or criminal law processes. This policy should not be regarded as attempting in any way to restrict an employee's legal rights.

2. GENERAL STATEMENT OF POLICY

- 2.1 The Joint Board recognises that offensive behaviour can create an intimidating, hostile or humiliating working environment which can impact on the health, confidence, morale and job performance of employees. In recognition of both its managerial and legal responsibilities, the Joint Board is committed to the achievement of a working environment in which all employees are treated with fairness, respect and dignity.
- 2.2 Feelings on discrimination, harassment, victimisation and bullying are not dependent upon identifying an intention to cause distress or hurt but are assessed by the perception, impact and reaction of the

recipient(s). As a result it is possible for behaviour which is acceptable to some employees actually causing embarrassment, distress or anxiety to others. It has to be recognised that feelings on discrimination, harassment, victimisation and bullying relate essentially to the views held by individual employees.

- 2.3 Allegations of offensive behaviour at work will be treated seriously. It is a fundamental principle of this policy that no employee shall suffer any form of detriment for bringing forward an allegation of harassment or discrimination.
- 2.4 In some instances, the alleged offender may not be an employee of the Joint Board. In such cases, appropriate action will be taken to protect the employee concerned consistent with the Joint Board's duty to provide a safe working environment and a service to the community. Any employee who considers that they have suffered unwanted and/or offensive behaviour during the course of their Joint Board duties by a member of the public should report the matter to their manager or supervisor immediately.
- 2.5 Confidential information will only be released in strict accordance with the employee's consent, or the consent of a person properly authorised to act on their behalf. The issue of Confidentiality is detailed in Appendix 1.

3. AIMS OF THE POLICY

- 3.1 The main aim of this policy is to promote the development of a non-threatening working environment in which all employees treat each other with fairness, dignity and respect.
- 3.2 The specific aims of this policy are:-
- (a) to ensure that all employees are aware of the types of behaviour which may constitute discrimination, harassment, victimisation and bullying and their responsibilities in discouraging such behaviour;
 - (b) to ensure that all employees understand that any type of harassment, discrimination, victimisation or bullying is intolerable and unacceptable;
 - (c) to provide procedures whereby complaints can be raised and investigated in a manner which recognises the sensitivity of the issues and the human rights of the parties involved;
 - (d) to ensure that all allegations of discrimination, harassment, victimisation and bullying are taken seriously, responded to promptly, investigated fully and treated confidentially.
 - (e) to promote a working environment in which employees feel confident in bringing forward complaints of offensive behaviour without fear of victimisation or retribution and;

- (f) to quickly resolve the situation by the most appropriate method using informal or formal procedures which can involve the use of the Joint Board's grievance and/or disciplinary procedures.

4. RECOGNITION OF DISCRIMINATION, HARASSMENT, VICTIMISATION AND BULLYING

- 4.1 The events that lead to complaints of discrimination, harassment, victimisation and bullying can vary substantially according to the specific circumstances involved. Such variables include the work location, working patterns, opportunity, seniority and lack of understanding of equal opportunities provisions. It is the offence caused, not the intention, which is critical. The WDC Employee Information Leaflet No.2 entitled "Recognition of Discrimination, Harassment, Victimisation and Bullying" is available in the staff common areas of both VJB offices and from WDC HR & OD Services. Although this leaflet is produced by WDC it has been adopted by the VJB for the purposes of this Policy. It provides details of what can constitute offensive behaviour and provides contact numbers for any employee wishing to discuss such matters.

5. RAISING CONCERNS

- 5.1 *What should happen when a complaint is made?*

An employee can find it difficult to raise concerns for a number of reasons, such as embarrassment, fear of reprisals, not wanting to get someone into trouble etc. The Joint Board is committed to treating all complaints seriously and investigating them swiftly, and sensitively, either on an informal or formal basis in line with the undernoted procedures.

An employee may not feel comfortable discussing the complaint with their manager. A designated Liaison Officer will be nominated by the Assessor and trained to hear concerns in the first place. The employee may also wish to be accompanied at this meeting as well as at any stage in the process, with a person of their choice.

To protect the rights of both the person complaining and the alleged offender it is important to maintain strict confidentiality. Any breach must meet the Joint Board's Guidance Note on Confidentiality (Appendix 1) or will be treated seriously and could result in disciplinary procedures being invoked.

- 5.2 The following procedures provide alternative ways of progressing concerns. If a complaint can be dealt with quickly by simply raising awareness of the problem, the informal procedure should be followed. Alternatively, the formal procedure could be used to guarantee a formal management response. These procedures do not detract from an employee's right to invoke the Joint Board's grievance procedures.

6. INFORMAL PROCEDURE FOR THE RESOLUTION OF COMPLAINTS

- 6.1 An employee who considers they have been subject to any form of harassment should in the first instance advise the offender that the behaviour is unwanted and offensive and insist that it stops. In some cases the offender may not be aware of the effect their behaviour is having on others, but once it is drawn to their attention this could resolve the problem.
- 6.2 In circumstances where raising the matter directly is too difficult or too embarrassing for an employee, advice should be sought from their manager, Liaison Officer, WDC's HR & OD Service, or a Trade Union representative. Their concerns will be handled in strict confidence.
- 6.3 The role of the Liaison Officer is to provide advice, assistance and support to employees in a sensitive, understanding and confidential manner and to explore possible courses of action which ensure that there are no further incidents of offensive behaviour. The Liaison Officer may accompany an employee raising a concern to a meeting with the alleged offender and help to explain the feelings held by the complainant. If the complainant does not wish to proceed with any further action, the Liaison Officer will respect this decision.
- 6.4 The Liaison Officer will keep a note of action taken at this stage, though no record will be kept on the alleged offender's file.

7. FORMAL PROCEDURES:

- 7.1 The complainant should formally report their concerns, in writing, immediately to the Depute Assessor who will acknowledge receipt of the letter within 2 working days. The Depute Assessor can consider nominating an officer to investigate the complaint to ensure impartiality in the event that subsequent disciplinary procedures are invoked.
- 7.2 If requested, and where possible, an officer of the same gender/race as the complainant will be involved in the investigation.
- 7.3 To ensure impartiality investigators must not have had any previous involvement in an advisory capacity regarding the case under investigation, or be connected with the allegation. Investigations of complaints should be independent, objective and handled confidentially to protect the rights of both the complainant and alleged offender. The investigating officer will interview the complainant to determine the nature and extent of the complaint. During the interview the complainant may be accompanied by a person of their choice. If the investigating officer is convinced that there are grounds for further investigation:-
- The alleged offender shall be advised in writing immediately, or where this is not possible, informed in writing within 3 working days

that an allegation has been made and that a full investigation will be undertaken. Details of the allegation should be provided and the alleged offender will be advised not to contact the complainant during the course of the investigation.

- Where possible a full investigation should be carried out within 7 working days. In circumstances where it is not possible to keep within this timescale, the complainant and alleged offender must be advised of the need for an extension to the investigation, and the likely timescale for completion.

7.4 The findings of the investigation shall be submitted to the Depute Assessor or nominated officer to consider what action may be taken.

7.5 *Disciplinary Procedure*

Where the Depute Assessor or nominated officer, after consultation with the Head of WDC HR & OD, concludes that offensive behaviour has occurred, or that complaints are malicious, the matter shall be dealt with in accordance with the Joint Board's Disciplinary Procedures. As a precautionary measure, paid suspension may be considered pending a disciplinary hearing being held. The complainant and alleged offender shall be informed in writing of this conclusion. A disciplinary hearing will normally be arranged within 5 working days.

In the more serious cases, discrimination, harassment, victimisation or bullying can constitute gross misconduct and where this is established could result in summary dismissal.

In cases where disciplinary action short of dismissal is deemed to be appropriate, consideration can be given to rehabilitation and support for the individual(s) concerned.

7.6 *Complaint Upheld*

When a complaint is upheld and it is deemed necessary to relocate or transfer one party, wherever practicable consideration should be given to allowing the complainant to choose whether he or she wishes to remain in their post or be transferred to another location. If the complainant requests a transfer every effort shall be made to identify a post on similar conditions. If a transfer is not required the manager or supervisor should monitor the situation to ensure that the inappropriate behaviour has stopped.

7.7 *Complaint Not Upheld*

If the Depute Assessor or nominated officer, after consultation with the Head of WDC HR & OD, concludes that the allegation is not substantiated or that the evidence is insufficient or inconclusive, both parties should be informed in writing giving the reasons for the decision and indicating that, as a result, no formal disciplinary action against the alleged offender is proposed.

A complaint that is investigated and found to be unsubstantiated by witness testimony or not proven does not mean that a malicious complaint has been made. However, if the allegation is found to be of a malicious nature formal disciplinary action will be taken against the complainant.

The above procedures do not detract from an employee's right to invoke the Joint Board's grievance procedures at the appropriate stage.

8. RESPONSIBILITIES

8.1 *All Employees*

It is the responsibility of all employees of the Joint Board to ensure that their behaviour in all work related situations does not cause offence or distress to others. Employees can also discourage discrimination, harassment, victimisation and bullying by indicating their disapproval of such behaviour and supporting colleagues who are suffering such treatment. Where incidents of discrimination, harassment, victimisation and bullying are witnessed, employees should bring these incidents to the attention of management, where they will be treated confidentially.

8.2 *Managers and Supervisors*

Under the terms of the policy it is the responsibility of all managers and supervisors to prevent discrimination, harassment, victimisation and bullying at work by:-

- (a) ensuring that all employees within their area of responsibility are made aware of the Joint Board's policy;
- (b) ensuring, through their own actions that they do not conduct themselves in a manner which may be perceived as causing or condoning discrimination, harassment, victimisation or bullying by other employees; and
- (c) responding promptly and seriously to any complaint of harassment, discrimination and victimisation made to them.

8.3 It is recognised that managers and supervisors, in fulfilling their responsibilities to manage and direct the Joint Board's service delivery, have a particular responsibility to exercise their authority in a fair and reasonable manner. This is especially the case when issuing instructions to employees, setting work related targets and objectives, setting standards of workplace performance, and addressing poor performance or unacceptable behaviour. These managerial functions should be carried out in a professional manner, which does not undermine the dignity of employees.

9. COUNSELLING

- 9.1 The Joint Board recognises that employees who are the victims of discrimination, harassment, victimisation and bullying may suffer an emotional and psychological reaction to the incident. It is essential that management's response to these situations is supportive and the Management Team should seek to ensure individual managers/supervisors understand and accept their role in providing support to employees.
- 9.2 After any incident of discrimination, harassment, victimisation or bullying has been raised, the employee(s) concerned may need counselling. In this respect trained and experienced officers are available on request through WDC HR & OD Services.
- 9.3 Where appropriate, independent confidential counselling will be arranged through the Employee Counselling Service. The Employee Counselling Service is an external agency which provides confidential counselling for individuals involved in harassment in the workplace, either having experienced harassment or having been disciplined for harassment; critical incident debriefing and counselling support for individuals or groups of employees who have been involved in incidents of violence, aggressive behaviour or serious injury. Assistance for individuals with personal problems that affect their work performance is also available. Referrals can be arranged through the Management Team or by WDC HR & OD Services. Employees can also arrange an appointment as a self-referral by telephoning:- **0800 435 768**.

The Employee Counselling Service is based at 8th Floor, Savoy Tower, 77 Renfrew Street, Glasgow G2 3BZ. The general enquiry telephone number is:- **0141 332 9833**.

10. INFORMATION AND TRAINING

- 10.1 WDC's HR & OD Service provides a range of learning opportunities which can assist employees within the terms of the Policy on Dignity at Work. For further information contact the Employee Development Section on Ext.7503.

11. REVIEW OF POLICY

- 11.1 This Policy and its procedures will be reviewed annually by the Joint Board or at the request of the Trade Unions, taking into consideration reported incidents, legislative amendments, and best practice advice.