



## Dignity at Work Policy

Name of Record	Dignity at Work
Author	HR Manager
Owner	Human Resources
Status	Approved
Approved by	CMT & Trade Unions
Date of Publication	October 2024
Review Date	As required

Version	Notes	Author	Date
1.0	Approved	K McCormack	Oct 24

Dignity at Work Fin

**our values**

- Ambition
- Kindness
- Trust



## CONTENTS

Section	Page
1. Introduction	3
2. Scope	3
3. Definitions	4
3.1 Bullying	4
3.2 Discrimination	5
3.3 Harassment	7
3.4 Sexual Harassment	9
3.5 Victimisation	12
4. Responsibilities	13
5. Preventative Measures	13
6. Handling Complaints	14
7. Informal Procedure	15
8. Formal Procedure	15
9. Further Guidance & Support	16

## 1 Introduction

1.1 The Council is committed to wellbeing by preventing bullying, harassment, sexual harassment, discrimination and victimisation of any kind. Our aim is to create a working environment free from any of these negative behaviours. We expect all individuals to treat each other with respect, kindness, trust and dignity at all times.

1.2 We are committed to maintaining a zero-tolerance approach to any form of bullying, harassment, sexual harassment, discrimination and victimisation and aim to encourage a culture where individuals feel comfortable approaching their line manager to have an open and honest dialogue and can report any incidents they encounter or witness.

1.3 East Renfrewshire Council does not consider joking or 'banter' to be part of our acceptable workplace culture when it comes to Dignity at Work and therefore this should not be used to excuse any unacceptable negative behaviours covered by this policy.

1.4 The policy explains what is meant by bullying, harassment, sexual harassment, victimisation and discrimination and is based on the guidance and definitions provided by ACAS, in line with the Equality Act 2010 and the Worker Protection (Amendment of Equality Act 2010) Act 2023.

1.5 This policy aims to ensure that all individuals understand that they have the right to be treated with dignity at work and explains how complaints can be raised.

## 2. Scope

2.1 This policy applies to all employees and casual workers of East Renfrewshire Council.

2.2 This policy aims to prevent bullying, harassment, sexual harassment, discrimination and victimisation at work including work related events or social functions. This policy also applies to employee's behaviour or conduct outside of work if such behaviour or conduct is related to the individual's employment with the council or is considered sufficiently unacceptable to be damaging to the Council's own reputation.

2.3 As per the Code of Conduct you should remember that as a Council employee, your actions both at work and elsewhere can reflect on the council and you should not act in such a manner that could bring the Council into disrepute. Employees should be aware that acting in a discriminatory manner outside of the workplace, for example on social media, may be in breach of this Policy. The East Renfrewshire Council Social Media Policy provides clear guidelines to employees on the use of social media for business purposes and in their *personal life and all employees are encouraged to familiarise themselves with it.*

2.4 This policy replaces the Bullying and Harassment Policy.

## 3. Definitions

### 3.1 Bullying

3.1.1 Bullying is not the same as discrimination. Bullying can be described as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

#### 3.1.2 Bullying might

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails, on calls or messaging platforms
- happen at work or in other work-related situations
- not always be obvious or noticed by others

It's possible someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.

#### Examples of bullying

Examples of bullying at work could include:

- constantly criticising someone's work without reason
- spreading malicious rumours about someone
- constantly putting someone down in meetings
- deliberately giving someone a heavier workload than everyone else
- excluding someone from a team situation including social events
- putting humiliating, offensive or threatening comments or photos on social media

#### 3.1.3 Upward bullying

Bullying can also happen from team members towards someone more senior, for example a manager. This is sometimes called 'upward bullying' or 'subordinate bullying'.

It can be from one employee or a group of employees.

Examples of upward bullying can include:

- showing continued disrespect
- refusing to undertake or complete reasonable tasks
- spreading rumours
- constantly undermining someone's authority
- doing things to make someone seem unskilled or unable to do their job properly

It can sometimes be difficult for someone in a senior role to realise they're experiencing bullying behaviour from their staff. However, a senior position does not make someone immune to the impact and effects of bullying and we would take any allegations from someone in a senior role just as seriously as any other.

### 3.1.4 Bullying is not

- Being held accountable for your performance or behaviour
- Constructive feedback
- Conflict or difference of opinions

Bullying isn't the same as managing someone's performance. Managers can and should speak to employees about undertaking the full remit of their jobs and managers have the right to speak to employees where they identify someone, for example, is only working on the parts of the job they prefer. If a manager gives an employee work to do or is managing the performance of an individual using an informal or formal process this won't on its own be considered bullying.

## 3.2 Discrimination

3.2.1 Discrimination law (Equality Act 2010) protects people against discrimination at work. It's important to understand what the law says about discrimination, so everyone knows their rights and responsibilities.

### 3.2.2 Different types of discrimination

- Direct discrimination – less favourable treatment directly because of a protected characteristic
- Indirect discrimination – where everyone's treated the same but people with a protected characteristic are put at a disadvantage
- Harassment – unwanted or offensive behaviour related to a protected characteristic
- Victimisation – negative treatment as a result of being involved with a discrimination or harassment complaint.

### 3.2.3 What direct discrimination means

Direct discrimination means treating someone 'less favourably' than someone else, because of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

These are called 'protected characteristics'.

Less favourable treatment can be anything that puts someone with a protected characteristic at a disadvantage, compared to someone who does not have that characteristic.

There's no legal definition of 'putting someone at a disadvantage'. But it might include:

- excluding someone from opportunities or benefits
- making it harder for someone to do their job
- causing someone emotional distress
- causing someone financial loss
- exclusion from the group or team

It can still be discrimination even if the less favourable treatment was not intended.

#### **Example of direct discrimination**

Mo has a job interview and is offered the job. After Mo tells the employer about their disability, the employer withdraws the job offer. The employer then offers the job to someone who's not disabled.

If the employer's reason for withdrawing the offer was because Mo is disabled, this is direct discrimination.

#### **3.2.4 What indirect discrimination means**

Indirect discrimination is when a working practice, policy or rule is the same for everyone in a group, and:

- it would put people who share a protected characteristic at a disadvantage
- it puts someone personally at a disadvantage
- the employer cannot justify the course of action

'Share a protected characteristic' does not always mean everyone with the characteristic. For example, it could mean:

- people with a particular disability – for example anyone with an equivalent level of visual impairment, not disabled people as a whole
- people of the same age or age group
- people who share an aspect of race – for example all South East Asian people

Someone without a particular protected characteristic might experience indirect discrimination. This would be where a working practice, policy or rule causes them the same disadvantage as someone with the protected characteristic.

#### **Example of indirect age discrimination**

A job advert for a salesperson says applicants must have spent 10 years working in retail. The business could be discriminating indirectly based on age. This is because the advert excludes younger people who might have the skills and qualifications needed.

The advert should instead say that applicants need a specific type of experience and knowledge. It should also include the main tasks and skills involved in the job, to show applicants what they'll need to be able to do.

### 3.2.5 When less favourable treatment might not be discrimination

Sometimes, less favourable treatment can be justified and is not unlawful discrimination.

For example, an employer might be able to use:

- positive action – to help a disadvantaged or underrepresented group
- objective justification – when an employer can prove a legitimate need for less favourable treatment
- a disability exception – to specifically recruit a disabled person without the risk of disability discrimination
- occupational requirement – recruiting someone with a certain protected characteristic to do a particular job

### 3.2.6 Micro-aggressions

A micro-aggression is a subtle verbal or non-verbal behaviour, committed consciously or not, that is directed at a marginalised group, and has a harmful, derogatory effect on the receiver.

Micro-aggressions can include mispronouncing a person's name, or someone thinking it is OK to let a colleague know that you 'don't even look gay'. Each of these seemingly small, insignificant, maybe thoughtlessly said remarks can be harmful to the person experiencing them. Micro-aggressions can discourage people from applying for promotions or simply affect day-to-day work performance and job satisfaction.

#### Example of micro-aggression

Jingxiao has worked at the same place for 2 years and her colleagues continuously mispronounce their name. They say the name is 'too hard' to say and they give Jingxiao a nickname Jinny to make it easier for them to pronounce. The colleagues address her as Jinny in emails, in person and introduce her to customers using the nickname.

Despite its name the impact of a micro-aggression is anything but small and although it might not seem like a big deal to colleagues Jingxiao feels like she's not really part of the team and is upset her colleagues can't be bothered to learn her name.

## 3.3 Harassment

3.3.1 In discrimination law (Equality Act 2010) there are 3 types of harassment:

- harassment related to certain 'protected characteristics'
- sexual harassment
- less favourable treatment as a result of harassment

Harassment and bullying are often confused. Bullying behaviour can be harassment if it meets the definitions in this policy. Importantly, intention is irrelevant in terms of harassment, for example, stating "I did not mean to" will not be accepted.

It's possible that serious harassment could also be a hate crime.

### 3.3.2 Harassment related to a protected characteristic

Under the Equality Act harassment applies to 7 out of the 9 protected characteristics, it does not include marriage and civil partnership or pregnancy and maternity.

This type of harassment is unwanted behaviour related to any of the following protected characteristics:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

To be harassment, the unwanted behaviour must have either:

- violated the person's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for the person

It can be harassment if the behaviour:

- has one of these effects even if it was not intended
- intended to have one of these effects even if it did not have that effect

By law, whether someone's behaviour counts as harassment depends on:

- the circumstances of the situation
- how the person receiving the unwanted behaviour views it
- if the person receiving the behaviour is 'reasonable' to view it as they do

If someone makes a harassment claim to an employment tribunal, the judge will consider whether a 'typical' person would see the behaviour as harassment.

### **3.3.3 What unwanted behaviour is**

Unwanted behaviour can include:

- a serious one-off incident
- repeated unwanted behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person

The person being harassed might feel:

- disrespected
- frightened
- humiliated
- insulted
- intimidated
- threatened

It can still be against the law even if the person being harassed does not ask for it to stop.



### 3.3.4 Who the law on harassment applies to

The law on harassment related to a protected characteristic applies when someone:

- has a relevant protected characteristic
- is harassed because they are thought to have a certain protected characteristic when they do not
- is harassed because they have a connection with someone with a certain protected characteristic
- witnesses' harassment, if what they've seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them

#### Example of harassment related to sexual orientation

Mina has never told people at work that they are gay. One evening they are out with their partner and meets Chris, their supervisor. Chris tells the rest of the team that Mina is gay. Other people in the team start avoiding Mina and ignoring what they say in daily team meetings. Mina finds this humiliating and very uncomfortable. This behaviour is likely to be harassment on the grounds of sexual orientation.

#### Example of harassment related to sex

Daniel is an apprentice in an office where everyone else is female. He is expected to make drinks for everyone and do the washing up. Several people make comments that "it's nice to see a man doing the chores for once" and this becomes a common joke in the team. Daniel feels disrespected and intimidated. This behaviour is likely to be harassment on the grounds of sex.

### 3.3.5. Harassment outside of the workplace

Harassment can still occur outside of the workplace. For example, if an employee states they have been made to feel intimidated, degraded, humiliated, and offended or had their dignity violated by a colleague outside of work, they should report this to their manager.

Harassment under the Equality Act 2010 must relate to one of the seven protected characteristics stated at section 3.3.2. If an employee is concerned about behaviour that causes alarm or distress but is not necessarily related to a protected characteristic, this may be a criminal matter to contact the police about.

## 3.4 Sexual Harassment

3.4.1 Sexual harassment is different to harassment related to a person's protected characteristic, for example sex, sexual orientation or gender reassignment. Someone could experience both types of harassment at the same time, or separately. The law on sexual harassment is changing on 26 October 2024. The new law is the Worker Protection (Amendment of Equality Act 2010) Act 2023 which places on employers a new duty to take 'reasonable steps' to prevent sexual harassment of employees in the course of their employment.

### **3.4.2 What is sexual harassment**

Sexual harassment is unwanted behaviour of a sexual nature. The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants

To be sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for someone

It can be sexual harassment if the behaviour:

- has one of these effects even if it was not intended
- intended to have one of these effects even if it did not have that effect

### **3.4.3. Who is responsible**

East Renfrewshire Council is responsible for taking steps to prevent sexual harassment happening in the first place. By law, we must do everything we reasonably can to protect staff from sexual harassment. We have a duty of care to look after the wellbeing of employees which is why we will take all complaints under this policy seriously.

Importantly anyone who sexually harasses someone at work is responsible for their own actions.

### **3.4.4 Who can experience sexual harassment**

Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

You could experience sexual harassment from anyone you meet because of your job, including:

- someone you work with
- a manager, supervisor or someone else in a position of authority
- someone high profile or influential customer, client or member of the public.

### **3.4.5 Examples of sexual harassment**

Sexual harassment can be a one-off incident or an ongoing pattern of behaviour.

It can happen in person or in other ways, for example online through things like email, social media or messaging tools.

**Examples include:**

- making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes
- making inappropriate sexual gestures
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will
- sexual assault or rape

Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes team members might think it is ok to, for example, share sexual images on a group chat or email. This behaviour is not acceptable in East Renfrewshire Council, and someone could still make a complaint of sexual harassment in this situation.

**Example of Sexual Harassment**

Tina works in a small team.

Her colleague Richard regularly makes comments about women that Tina finds insulting, for example saying their industry should not let women in. This is harassment related to a person's sex.

Richard starts making sexual comments about Tina's body, getting very close to her and resting his hand on her arm. It makes Tina feel very uncomfortable and intimidated. This is sexual harassment.

Tina makes a complaint that includes both types of harassment.

**3.4.6 Less favourable treatment as a result of harassment**

This type of harassment is when someone experiences less favourable treatment because of how they responded to previous harassment.

It can apply whether the person rejected or 'submitted to' (accepted) the previous harassment.

Harassment happens when the person is treated less favourably than they would have been if they had not responded to the previous harassment in the way they did.

The previous harassment must have been either:

- sexual harassment
- harassment related to sex
- harassment related to gender reassignment

### Example of less favourable treatment because of harassment

An employee receives several sexual advances from their manager but rejects them. A few weeks later at the employee's yearly performance review, the manager gives them a poor performance score. They are regularly praised by others for their hard work. This could count as harassment if the employee's poor performance score is because they rejected the manager's advances.

## 3.5 Victimisation

3.5.1 Victimisation is when someone is treated less favourably because of being involved with a discrimination or harassment complaint.

Ways someone could be victimised include:

- being labelled a troublemaker
- being left out
- not being allowed to do something

Victimisation is a specific type of discrimination under the law (Equality Act 2010). It's different to bullying.

The law says victimisation means 'suffering a detriment' because you've done or intend to do a 'protected act'.

A 'protected act' means taking action related to discrimination law. This includes:

- making a complaint of discrimination or harassment
- supporting someone else's complaint
- gathering information that might lead to a complaint
- acting as a witness in a complaint
- saying something or giving evidence that does not support someone else's complaint

The law also protects a person from victimisation when someone else thinks the person has done or intends to do any of the things above.

'Detriment' means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

### 3.5.2 Acting in good faith

The law only protects someone from victimisation if they've done something 'in good faith'. This means not acting maliciously.

Someone is not protected from victimisation if they:

- deliberately give false evidence
- deliberately make a false allegation of discrimination or harassment

**Example of victimisation**

Luca was a witness at an employment tribunal, supporting a colleague who made a claim of sex discrimination.

Luca applies for a promotion and does not get it. A member of the selection panel says Luca is a troublemaker who supported a discrimination claim against the company.

If this is the reason for the panel's decision, Luca is being victimised.

**4. Responsibilities****4.1 Senior Management**

Senior managers are responsible for overseeing the implementation of the policy and for promoting a culture of respect, kindness, trust and dignity at all times. They must take all reasonable steps to prevent sexual harassment.

**4.2 Line Management**

Line managers are responsible for ensuring employees are aware of this policy, creating an environment where employees feel able to raise concerns, setting an example of appropriate conduct and behaviour, maintaining confidentiality and endeavouring to resolve complaints at an early and informal stage where possible. They must take all reasonable steps to prevent sexual harassment.

**4.3 Employees**

Employees have a responsibility to familiarise themselves with this policy, to not act in any way that could cause offence to another colleague, to support colleagues who may be subjected to bullying, harassment, sexual harassment, discrimination or victimisation which may include providing information to assist an investigation, and to raise any concerns at the earliest opportunity. Everyone has a role in challenging inappropriate behaviours, comments or banter at the time they occur.

**4.4 Human Resources**

HR Representatives have a responsibility for ensuring employees are aware of the support mechanisms available for complainants, respondents and witnesses where required. HR is also responsible for providing guidance and advice to managers and employees throughout the informal and formal procedures and for ensuring this policy is kept up to date.

**5. Preventative Measures**

5.1 The Council will endeavour to do as much as possible to prevent discrimination, harassment, sexual harassment, bullying and victimisation by ensuring that this policy is made available to all employees and promoted through the induction procedure and provided with employment contracts.

5.2 The Council will take all complaints raised under this policy very seriously. Bullying or acting in a discriminatory manner in contravention of this policy may be considered as gross misconduct. Where a formal complaint is substantiated, it may be treated as a separate disciplinary matter.

5.3 Managers and employees are reminded that the Council's e-learning system contains several learning resources which aim to educate and support an inclusive and diverse workplace.

## 6. Handling Complaints

6.1 How complaints are handled will depend on:

- The anticipated outcome the person making the complaint is seeking
- The nature of the issue. For example, an employee might say they want the complaint handled informally but if the situation is too serious to be resolved informally, it would be handled formally instead.

6.2 Where a complaint is made the manager should speak to the person who has made the complaint before deciding how to handle it. The employee may ask to be accompanied by their trade union representative, or a work colleague, which should be agreed as it may make it easier for the person to talk about the issue.

6.3 It is important when speaking to the person to always keep an open mind when dealing with a complaint. Something that seems like a small thing to you can feel very different to the person experiencing it.

You should:

- listen to what they say
- leave any personal feelings you have to one side
- look at how it's made them feel or how it's affected them
- do not make any assumptions

6.4 Once an initial discussion has taken place there are two routes for the person making the complaint to pursue. The first route is to attempt informal resolution and the second is to make a formal complaint. The appropriate route will depend on:

- The seriousness of the allegation and of the incident(s)
- Its effect on the individual concerned
- Its potential effect if repeated
- Whether the alleged harasser is in a position of trust and responsibility
- What message the choice of procedure will send out to other employees
- Whether the procedure has the capacity to deter a recurrence
- Whether the informal procedure would be sufficient remedy for the complainant

6.5 Where appropriate, the Council encourages employees to try to resolve any problems informally in the first instance.

6.6 Where discussions are held between an employee and their manager about dignity at work and the employee doesn't want to take the matter further, whilst it is understood it can be very difficult to raise the concerns for example about colleague, if the matter isn't discussed with those involved the issue won't be resolved and the behaviour may continue. As mentioned at point 6.1. There may be circumstances where the matter disclosed is so serious that the manager must act upon it, even where the employee is perhaps reluctant to do so.

6.7 Anyone considering making a complaint should feel assured that it is understood there may not always be a witness to corroborate the issues raised.

## 7. Informal Procedure

7.1 In some cases, individuals simply want the unwanted behaviour to stop. Sometimes it will be enough to speak to the person/group to raise the problem and point out that their behaviour is unacceptable. The objective of the discussion is to obtain assurance that the unwanted behaviour will stop. A form of mediation may also be considered as a way of resolving the matter informally.

7.2 Where possible, this should take place at the time that the unwanted behaviour occurs. If this is not appropriate or possible, then it should take place as soon as possible to prevent further inappropriate behaviour or recurring behaviours.

7.3 If an employee feels that doing this would be too difficult on their own, they may seek support from a colleague, an appropriate manager, a Trade Union representative or from HR.

7.4 Both parties may wish to keep a written record of the discussion. However, at this stage of the process, the discussion will remain confidential and no records will be placed in anyone's personnel file.

7.5 In some circumstances, an employee may wish for their manager (or another manager, if the concern is regarding their manager) to have this discussion on their behalf. However, it is recognised that the employee being present can often be beneficial to resolving a matter.

7.6 Furthermore, some employees may feel more comfortable stating their complaint in writing. In such circumstances, it must be made clear that the objective is to resolve the matter informally to avoid confusion.

## 8. Formal Procedure

8.1 Where someone makes a complaint under this policy it needs to be handled formally if:

- the individual who raised the complaint requests the matter is dealt with formally
- the complaint is very serious
- the situation could lead to disciplinary action against another employee

8.2 The Local Government grievance procedure should be used for formal complaints under this policy or LNCT 12 grievance procedures for SNCT staff. Ideally complaints should be in writing stating they are a *dignity at work complaint* and confirming as much detail as possible such as:

- The name(s) of the person the complaint is concerning
- The nature of the issues
- Dates and times when the issues occurred
- Names of any witnesses (if there are any)
- Any action already initiated by the complainant to stop the behaviour

8.3 Details of help and support should be made available to the person who raised the complaint and anyone else involved in the complaint by offering the employee assistance programme details available on the next page.

8.4 To minimise the impact on individuals, where possible, one investigation will be undertaken with the person raising the complaint and this information will be used for the purposes of any follow-up disciplinary procedure.

## 9. Further Guidance and Support

9.1 If you feel that you're being bullied, harassed, sexually harassed, discriminated against or victimised, it can sometimes be difficult to decide how you want to deal with it. It can help to talk this through with someone. We would always suggest that you speak to your line manager initially to talk things through or with another manager. If you are unable to speak to a manager and you would like to speak to HR please contact the HR Case Team [hrcaseteam@eastrenfrewshire.gov.uk](mailto:hrcaseteam@eastrenfrewshire.gov.uk) or for Schools please contact the HRBP Education Team [hreducationbusinesssupport@eastrenfrewshire.gov.uk](mailto:hreducationbusinesssupport@eastrenfrewshire.gov.uk).

9.2 If you have witnessed bullying, harassment, sexual harassment or discrimination it is best not to stay silent. If you can, speak to the person who is experiencing the negative behaviour and ask them what support they need or contact a manager or HR for further advice.

9.3 If you wish to raise an informal complaint anonymously you can do this by sending in your complaint in writing to the HR Manager, East Renfrewshire Council, Eastwood Headquarters, Giffnock, G46 6UG or email [dignity@eastrenfrewshire.gov.uk](mailto:dignity@eastrenfrewshire.gov.uk).

9.4 We have a free confidential employee helpline that you can contact for advice, which is managed by PAM Assist. Any information discussed with PAM Assist isn't shared with the Council. PAM Assist can be contacted by phone on 0800 882 4102 or by email to [counsellingteam@pamassist.co.uk](mailto:counsellingteam@pamassist.co.uk)

9.5 If you're a member of a trade union, you can also contact them for advice.