

Dignity At Work Policy Statement

Created: July 2021
Amended: October 2024

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1.0 Policy Statement

- 1.1 The City of Wolverhampton Council (the Council) is committed to adopting policies and procedures to encourage a positive working environment and has a duty to create a safe work environment where everyone is treated with dignity and respect, courtesy and not experience any form of discrimination.
- 1.2 The Council takes a zero-tolerance approach to any employee being subjected to harm, threats of harm, bullying and harassment, discrimination or any inappropriate behaviour or language in the workplace. All people working for, or with the Council, are required to treat everyone they meet, with dignity and respect and they are entitled to expect this in return.
- 1.3 This policy statement aims to assist employees in preventing, recognising and stopping any behaviour which may amount to bullying, harassment, discrimination or victimisation, any of which can have serious consequences for employees and for the Council.
- 1.4 The Council recognise that these consequences can include a negative impact on people's health and wellbeing, on family and social relationships and their performance at work; which can in turn impact on the services the Council provides.
- 1.5 This policy statement has been developed with due regard to the Equality Act 2010, the Equality Duty and ACAS guidance.
- 1.6 The Council will ensure that employees receive appropriate training and information to help them to understand their rights and responsibilities in connection with this policy statement, including equality and diversity training and training in the implementation of the Council's relevant policies and procedures.

2.0 Scope

- 2.1 This policy applies to all employees, contractors, agency workers and anyone who is engaged to work at the Council. The policy also relates to job applicants and is relevant to all stages of the employment relationship. It excludes NJC employees and Teachers employed by Governing Bodies who are covered by Schools HR Policies. Policies agreed by the Council may, following discussion with relevant trade unions, be reviewed to ensure they are appropriate for schools and recommended as model policies for adoption by maintained school governing boards.
- 2.2 The application of this policy statement and the standards of behaviour set extend to any work-related setting outside of the workplace, for example social gatherings and any setting where an employee can be considered as a representative of the Council. This includes (but is not limited to) social media / networking / in emails or calls / online contact with / about colleagues external to the work context.

3.0 Principles and definitions

- 3.1 All formal allegations of bullying, harassment, discrimination and victimisation will be investigated, and where appropriate the disciplinary procedure will be followed. If proven, allegations of bullying, harassment, discrimination or victimisation could constitute gross misconduct leading to dismissal without notice. Serious bullying or harassment may also amount to other civil or criminal offences e.g. a civil offence under the Protection from Harassment Act 1987 and criminal offences of assault in which the employee is personally liable.
- 3.2 If the complainant or person allegedly causing the unacceptable behaviour is not an employee of the Council, the policy will apply with any necessary modifications. For example, if the worker's contract is with an agency, the Council will raise the issue with the agency and consideration will be given on whether to terminate arrangements with immediate effect/with notice.
- 3.3 A non-exhaustive list of examples of unacceptable behaviour which may result in disciplinary action is set out in Appendix 1.

4.0 What is bullying and harassment?

4.1 Bullying

- 4.2 There is no legal definition of bullying, however bullying is considered as 'intimidation on a regular and persistent basis or as a one off which serves to undermine the competence, effectiveness, confidence and integrity of the person on the receiving end.' ACAS (as of August 2024) also defines bullying as unwanted behaviour from a person or group which is offensive, intimidating, malicious or insulting or an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.
- 4.3 The impact of bullying on a person can be the same as harassment, and as such the words bullying and harassment are often used interchangeably, although the term harassment specifically refers to behaviour which relates to the nine protected characteristics.
- 4.4 It is possible that someone may be unaware that their behaviour is bullying. However, such behaviour may still constitute bullying and can still warrant the invoking of the disciplinary procedures.

4.5 Harassment

- 4.6 Harassment is defined by the effect that it has on the individual, not by the intention of the person responsible for the harassment, and is related to certain protected characteristics, sexual harassment or less favourable treatment as a result of harassment.
- 4.7 Harassment is defined by the Equality Act 2010 as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of

violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

- 4.8 Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment (which are covered by direct discrimination provisions in the Equality Act 2010), the Council considers harassment on any ground to be unacceptable.
- 4.9 Harassment can occur where someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not.
- 4.10 Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

4.11 Sexual Harassment

4.12 Under the Worker Protection (Amendment of Equality Act 2010) Act 2023, employers have a duty to take reasonable steps to prevent sexual harassment of their employees in the course of their employment.

4.13 Sexual harassment is defined as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

4.14 As with all forms of discrimination, bullying and harassment, the Council takes a zero-tolerance approach to any employee being subjected to sexual harassment in the workplace.

4.15 Employees are encouraged to report without delay any concerns or complaints regarding sexual harassment to their manager, People Services, or using the grievance policy or safe space procedures detailed in sections 5 and 6.

4.16 Victimisation or retaliation against a complainant of sexual harassment will not be tolerated.

4.17 A non-exhaustive list of examples of sexual harassment which may result in disciplinary action is set out in Appendix 1.

4.18 There may be some circumstances where employees can raise issues of sexual harassment in workplace as a whistleblowing concern. Whistleblowing requires there to be a public interest element to concerns. Generally, this means that the concerns do not just impact the employee. Employees may wish to consider whistleblowing as an option if:

- they believe they are not the only person impacted by or at risk of the harassment
- there are a number of other people who have also been sexually harassed
- they are not directly impacted by the sexual harassment but are a witness to it
- there is a culture or environment where sexual harassment occurs and is permitted in the workplace
- if the harassment is very serious, criminal, or the harasser is a senior, powerful or very influential person.

4.19 Further information on the Council's Whistleblowing Policy can be accessed on the [Council's website](#). When a concern is raised through this route, a decision will be taken as to the most appropriate way in which the concern can be investigated, dependent upon how serious and urgent the risk is, for example an audit services investigation, a grievance investigation, other internal investigation, referral to the police or other external organisation.

4.20 Victimization

4.21 Victimization occurs when an employee is treated less favourably than others for:

- making an allegation of discrimination, and/or
- supporting a complaint of discrimination, and/or
- giving evidence relating to a complaint about discrimination, and/or
- raising a grievance concerning equality or discrimination, and/or
- doing anything else for the purposes of (or in connection to) the Equality Act 2010.

4.22 Employees who do any of the above in good faith will be protected from victimisation.

4.23 An employee is not protected from disciplinary action if they have maliciously made or supported an untrue complaint and may be subject to disciplinary action themselves.

5.0 Procedure

5.1 Raising a concern or complaint

5.2 Unacceptable and discriminatory behaviour can be addressed through both informal and formal means, as an employee may not know that their behaviour is unwelcome or upsetting.

5.3 The [Grievance Policy](#) provides the framework and mechanism for employees to raise a concern or complaint with the Council. The policy ensures that all complaints and concerns raised by employees will be treated seriously and sensitively with proper investigation; proportionate to the issue raised and carried out in as timely a manner as is possible.

5.4 All employees are entitled to challenge unacceptable behaviour even if not directed at them, provided the challenge does not contravene any council policies.

5.5 There are no provisions in the Equality Act 2010 to cover third-party harassment. However, it can result in legal liability and will not be tolerated. All employees are encouraged to report without delay to their manager or People Services, unacceptable behaviour from non-City of Wolverhampton Council employees (Third Parties). City of Wolverhampton Council will take appropriate steps to prevent unacceptable behaviour by third parties wherever possible.

6.0 Safe Space

6.1 Employees can raise their concerns using the grievance procedure or the safe space option – SeeHearSpeakUp. This is an independent reporting service who forward any concerns raised that may contravene our policies and procedures to the Council to review.

6.2 Employees can choose to supply SeeHearSpeakUp with their contact details or they can choose to remain anonymous.

6.3 Unless requested otherwise, all data provided to SeeHearSpeakUp, including name and contact details, will be passed to the senior managers at the Council who will consider appropriate action using the Councils procedures.

6.4 This reporting mechanism does not replace the grievance process.

6.5 Information about SeeHearSpeakUp can be accessed [here](#).

6.6 The designated senior manager(s) will provide governance and assurance on all safe space matters disclosed with a view to safeguarding, consistency, equality and fairness.

7.0 Monitoring and review

7.1 The Dignity at Work Policy Statement will be reviewed every 3 years or earlier if there are significant changes required in the light of best practice and or any changes to legislation.

8.0 Links to other policies and procedures

- Disciplinary Policy and procedure
- Equal Opportunities Policy
- Grievance Policy and procedure
- Whistleblowing Policy and procedures
- Code of Conduct for Employees
- Acceptable Use of Social Media Policy
- Safe Space

- Employee Assistance Programme

9.0 Equality and Diversity

- 9.1 The Council is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.2 In developing this policy statement we have undertaken an Equality Analysis the results of which indicate that it is lawful to proceed in the way described by this policy. The Council is committed to promoting equality and recognising the diversity of our community and workforce and will work to ensure all parts of our community are treated fairly.

Appendix 1 - Discrimination and harassment definitions

Discrimination

Employees should be aware that there is the potential for direct and indirect discrimination to arise in relation to many aspects of employment, including but not limited to, recruitment and selection, pay, promotion, leave of absence, training, flexible working and dismissal. Being mindful of this will help them to recognise and prevent unfair and unlawful discrimination.

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 or are connected to someone who has a protected characteristic.

Direct discrimination based on perception

Direct discrimination may occur where a person does not have a protected characteristic, but is treated less favourably than another person on the basis of a perception that they do, for example in relation to their sexual orientation or faith.

Direct discrimination by association

Direct discrimination may occur where a person does not have a protected characteristic, but is treated less favourably than another person on the basis that they are associated with or connected to someone that does, for example they may be the parent or carer of a child or adult who has a disability.

Indirect discrimination

Indirect discrimination can occur where an organisation's practices, policies or procedures are applied to everyone, but have the effect of disadvantaging people who share certain protected characteristics.

In circumstances where an employer can show that there is an objective justification for indirect discrimination, and that it is a proportionate means of achieving a legitimate aim, it may not be unlawful. In order to demonstrate this the employer must be able to show that they have been fair and reasonable, and that they have considered less discriminatory alternatives.

Perceptive discrimination

Perceptive discrimination refers to discrimination based on a perception that an individual is a member of a relevant protected group.

Associative discrimination

Associative discrimination refers to discrimination based on an individual's association with another person belonging to a relevant protected group.

Dual Discrimination

Dual discrimination acknowledges that multiple identities affect the ways in which people experience discrimination, bullying and harassment, for example, verbally abusing an employee because they are gay and religious.

Protective characteristics

Bullying or harassment will constitute unlawful discrimination where it relates to one of the nine protected characteristics defined in the Equality Act 2010.

They are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (which includes colour, nationality and ethnic or national origins)
- religion and belief (or lack of)
- sex
- sexual orientation.

Bullying behaviour does not have to be related to one of the protected characteristics in order to be considered as such.

Harassment

Examples of unacceptable behaviour (This list is not exhaustive)

Bullying, harassment, discrimination and victimisation can occur during face to face interactions, but can also take place via written communication, visual images (for example pictures of a sexual nature or embarrassing photographs), e-mail and telephone.

Examples of unacceptable behaviour which may result in disciplinary action include:

- verbal or physical threats and intimidation
- persistent negative comments
- humiliating / ridiculing someone in front of others
- unjustified, persistent criticism / picking on one person for criticism when there is a common problem
- offensive or abusive personal remarks
- homophobic, biphobic or transphobic comments 'jokes' or name calling
- constantly changing work targets not in line with the needs of the service or overloading in order to cause someone to fail (when measured against team performance and taking into account any disability or reasonable adjustments)
- reducing someone's effectiveness by withholding information
- intentionally blocking promotion or training opportunities
- ostracism / exclusion
- not giving credit where it is due / claiming credit for someone else's work
- belittling someone's opinion
- making false allegations
- monitoring work unnecessarily and intrusively / overbearing supervision or other misuse of power or position

Sensitivity: NOT PROTECTIVELY MARKED

- undervaluing work done
- removing areas of responsibility without justification
- imposing unfair sanctions
- making threats or comments about job security without foundation
- refusing to address a trans person by their preferred name and correct gender pronoun
- spreading malicious rumours or insulting someone, using words or behaviour
- sharing information that is confidential about someone to others

Sexual harassment can occur in many forms, examples can include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions
- showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media)
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults
- offensive comments about appearance or dress, innuendo or lewd comments
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- leering, whistling or making sexually suggestive gestures
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours
- making decisions on the basis of sexual advances being accepted or rejected.