



Dignity At Work

September 2009

POLICY STATEMENT

A core value of South Lanarkshire Council is to provide a supportive working environment, which creates openness, mutual respect, dignity and trust. A range of policies have been developed to encourage this for example, the communications strategy, employee development programme, employee recognition scheme and the equality and diversity policy.

The aim of this policy is to prevent behaviour and actions that could be viewed as harassment, bullying, discrimination or victimisation in the workplace. The policy will ensure that appropriate and effective action is taken if this occurs. To achieve this aim everyone involved in the workplace, including employees, supervisors, managers and trade union representatives must be aware of and challenge any of these forms of unacceptable behaviour. Inaction is not an option.

Specifically we will take a proactive approach by:

- Making it clear at induction that all employees will be treated, and will treat others with dignity and respect, and that their overall contribution to the work of the Council will be valued.
- Raising the awareness of employees, that the Council is against all forms of bullying, harassment, discrimination, victimisation, or similar behaviour, and that employees have individual responsibilities for preventing such behaviour.
- Ensuring that all employees are aware of the way in which they can formally or informally raise concerns or complaints.
- Ensure that all matters will be dealt with promptly, sensitively and in confidence.
- Promoting a climate in which all employees feel valued.
- Ensuring that employees are fully supported in bringing forward concerns or complaints without fear of victimisation or recrimination, and being prepared to take formal action, including disciplinary action, where necessary.
- Taking a positive approach by identifying and addressing any instances of unacceptable behaviour if and when it occurs.

The benefits of this policy will include:

THE COUNCIL

- Improved morale and employee relations
- Minimised disruption to services
- Demonstrated commitment to a diverse society
- Reduced absenteeism and turnover
- Promotes a culture where all employees are valued

EMPLOYEES

- Work in a positive and supportive environment
- Are aware that the Council will not tolerate any form of unacceptable behaviour
- Know that the Council values all its employees
- Know how to access the procedure should this be necessary

CUSTOMERS

- Visible standards of behaviour among employees
- Continued quality of service delivery
- Improved motivation of Council employees
- Have the benefit of continually improving standards

POLICY OUTCOMES

Procedures will be put in place to achieve the following policy outcomes:

OUTCOME ONE

Provide employees with a working environment in which everyone is treated with dignity and respect.

OUTCOME TWO

Ensure all employees/managers understand the expected standards of behaviour.

OUTCOME THREE

Identify and address instances of unacceptable behaviour.

OUTCOME FOUR

Establish a framework to ensure complaints are handled promptly, sensitively and if requested confidentially.

OUTCOME FIVE

Provide training for managers in the effective operation of the policy and for employees in its principles and objectives.

OUTCOME SIX

Record and monitor complaints of unacceptable behaviour and report on the operation of the policy.

OUTCOME ONE

Provide employees with a working environment in which everyone is treated with dignity and respect.

ORGANISATIONAL ACTIONS

- ◆ Set out the principles, values and behaviours which the Council wishes to adopt, namely that:
 - all employees are valued
 - all employees will be encouraged to value each other
 - all reasonable steps will be taken to avoid the risk of bullying, harassment, discrimination and victimisation at work
 - action will be taken where incidents are identified
- ◆ Develop and implement a Council wide policy on Dignity at Work to ensure that these principles are adhered to.
- ◆ Implement and monitor the effectiveness of existing policies and strategies, which reinforce these principles, namely:
 - Code of Conduct for Employees
 - Equality and Diversity Policy
 - Performance Development Review
 - Health & Safety at Work
 - Maximising Attendance - Manager's Handbook
 - Communications Strategy
 - Discipline & Grievance Procedures
- ◆ Ensure that there are adequate sources of advice which managers can access to ensure compliance with this policy and any relevant legislation and Codes of Practice.
- ◆ Ensure that each Resource has a protocol to deal with instances of unacceptable conduct by service users promptly and sensitively.

MANAGEMENT ACTIONS

- ◆ Show visible commitment to the principles of this policy by:
 - Treating all employees courteously, openly and honestly
 - Encouraging all employees to treat each other with respect
 - Making it clear that the contribution of all employees is valued
- ◆ Be alert to the possible existence of unacceptable behaviour at work through monitoring of relevant Council policies e.g. Maximising Attendance, Health & Safety, Disciplinary and Grievance Procedures, and take appropriate action.
- ◆ Take appropriate steps within the framework of this policy to deal with any complaints of bullying, harassment, discrimination and victimisation, ensuring that any employee who makes a complaint is supported and treated sensitively.

- ◆ Ensure that risk assessments are carried out to identify risks, including those to personal safety.
- ◆ Ensure that information about the Dignity at Work policy and its values and standards are communicated to the workforce and to all new employees through corporate and Resource based induction programmes.
- ◆ Review working practices to ensure that they do not encourage a culture of bullying, harassment, discrimination or victimisation and adopt an open response to the reporting of errors, mistakes etc. so that the Resource can take a pro-active approach to preventing recurrence

EMPLOYEE ACTIONS

- ◆ Do not participate in, encourage or condone bullying, harassment, discrimination, victimisation or similarly unacceptable behaviour at work.
- ◆ Be supportive to any individual or group of employees who allege that they have been the victims of such behaviour
- ◆ Encourage these employees to report/seek help from an appropriate source e.g. management, Trade Union Representatives, Resource Personnel, Corporate Resources Personnel Adviser (Employee Support), the Employee Support Team.

REFERENCE DOCUMENTS

- Code of Conduct for Employees
- Equality and Diversity Policy
- Health & Safety at Work Policy
- Maximising Attendance – Managers Handbook
- Communications Strategy
- IT Acceptable Use Policy
- Discipline & Grievance Procedures
- Dignity at Work - Managers Information Booklet
- Dignity at Work – Employee Information Booklet

OUTCOME TWO

Ensure all employees/managers understand the expected standards of behaviour.

ORGANISATIONAL ACTIONS

- ◆ Clarify the types of behaviour which are regarded as unacceptable, for example:
 - Bullying
 - Harassment
 - Discrimination
 - Victimisation
- ◆ Ensure that the Council's Code of Conduct reflects the standards of behaviour expected of all employees.
- ◆ Ensure the promotion of equal opportunities as a core competence for all Council employees.
- ◆ Raise the awareness of all employees of the stance taken by the Council against bullying, harassment, discrimination and victimisation at work, and their responsibilities for preventing such behaviour by working in partnership with employee representatives through the system of Resource based Joint Consultative Committees (JCCs).
- ◆ Communicate the policy and expected standards to all employees through the relevant framework e.g. "The Works", team briefing, and employee information booklets.
- ◆ Provide information and skills training for supervisors and managers who will be required to implement the policy e.g. interpersonal skills training, equality awareness raising training such as on race and disability issues, training on related Council policies e.g. maximising attendance, equal opportunities, health & safety.
- ◆ Provide information on the adverse effects of bullying, harassment, discrimination and victimisation, both for the effectiveness of the Council and on the individuals involved.
- ◆ Make it clear that these standards of behaviour apply not only to the way in which the Council expects employees to treat each other but also to the way they behave towards service users and representatives/employees of other organisations.
- ◆ Communicate the fact that the Council does not condone the bullying, harassment or any type discriminatory behaviour towards its employees, will take all reasonable steps to prevent this and respond appropriately.
- ◆ Ensure that a comprehensive set of related policies and procedures is developed, implemented and regularly reviewed.

MANAGEMENT ACTIONS

- ◆ Ensure all employees receive appropriate information about the policy and standards of behaviour expected, using the agreed mechanisms e.g. core team brief.
- ◆ Ensure that all employees understand their responsibilities in terms of the Council's Equality and Diversity Policy, assess their contribution in terms of Performance and Development Review.
- ◆ Ensure that all employees know how to raise concerns or make a complaint, by publicising the policy in all workplaces and through Resource based JCCs.
- ◆ Ensure that all supervisors understand their role and responsibilities in the operation of the policy.
- ◆ Ensure that Resource based induction programmes cover the detailed operation of the policy, and describe the expected standards towards both fellow employees, service users and representatives of other organisations/employers.
- ◆ Ensure that all relevant procedures take account of this policy.
- ◆ Ensure that the procedure for the reporting and monitoring of incidents towards employees by service users, employees of other organisations, contractors etc. is publicised and followed.

EMPLOYEE ACTIONS

- ◆ Be responsible for one's own behaviour.
- ◆ Do not disregard or condone unacceptable behaviour in their workplace. Either challenge it, or report it to your supervisor/manager.
- ◆ Read any communication issued on this and any related policy, and speak to your manager if you are unsure about how it applies to your workplace.
- ◆ Participate in any relevant training provided.

REFERENCE DOCUMENTS

- Equality and Diversity Policy
- Corporate Standards Handbook (Equal Opportunities)
- Employee Information Booklets

OUTCOME THREE

Identify and address instances of unacceptable behaviour.

ORGANISATIONAL ACTIONS

- ◆ Provide training for managers to enable them to:
 - identify instances of unacceptable behaviour;
 - have the, knowledge, skills and understanding to tackle the issues competently.
- ◆ Ensure that standards of behaviour are clearly communicated.
- ◆ Provide a framework for managers to tackle instances of unacceptable behaviour immediately.

MANAGEMENT ACTIONS

- ◆ Review workplace practice/activities to ensure that bullying, harassment, victimisation or discrimination does not occur
- ◆ Apply the policies and procedures of the Council thereby preventing or reducing the possibility of bullying, harassment, victimisation or discrimination
- ◆ Encourage behaviour that does not condone or appear to condone bullying, harassment, victimisation or discrimination of any kind.
- ◆ Respond promptly and appropriately to any instances of unacceptable behaviour.
- ◆ Ensure matters of performance and conduct are dealt with in a fair, firm and consistent manner, which does not adversely affect the dignity of employees.

EMPLOYEE ACTIONS

- ◆ Affords themselves of every opportunity to become aware of the standards of expected behaviour, and adheres to the Council's policies in this regard.
- ◆ Actively support any employee experiencing any unacceptable behaviour.
- ◆ Takes appropriate action when faced with unacceptable behaviour.

REFERENCE DOCUMENTS

- ◆ Equality and Diversity Policy
- ◆ Training Directory/Learning and Development Intranet Site
- ◆ Learning and Development, Strategic Framework
- ◆ Competence Initiative –a handbook for managers

OUTCOME FOUR

Establish a framework to ensure complaints are handled promptly, sensitively and if requested confidentially

ORGANISATIONAL ACTIONS

- ◆ Develop and implement and publicise a procedure for handling allegations and complaints of bullying, harassment, discrimination and victimisation at work.
- ◆ Provide specialist advice and guidance on the operation of the policy and the handling of individual cases through Corporate Personnel Services

MANAGEMENT ACTIONS

- ◆ Ensure all employees are informed of this policy and ensure it is publicised through team briefs, distribution of employee information leaflets and Resource based JCCs.
- ◆ Ensure operational managers have the appropriate information, skills and training to deal with enquiries and handle complaints.
- ◆ Clarify issues about acceptable standards of language and behaviour and confirm local arrangements for raising concern.
- ◆ Promote the principles and objectives of the policy and work in partnership with the trade unions.
- ◆ Actively promote, to all employees, a culture of mutual respect in the workplace.
- ◆ Advise employees of the availability of confidential advice through Corporate Personnel Services

EMPLOYEE ACTIONS

- ◆ Be supportive of the aims of the policy, namely to promote the development of a working environment in which everyone is treated with dignity and respect.
- ◆ Ensure that they understand the principles and objectives of the policy and raise any questions about the expected standards with operational managers or trade union representatives
- ◆ Co-operate with management in any actions or initiatives introduced to promote this policy

REFERENCE DOCUMENTS

- Equality and Diversity Policy
- Corporate Standards Handbook
- Employee Information Leaflets –“Stress and You”
- Disciplinary & Grievance Procedures
- Articles in “The Works” magazine

PROCEDURE

1. Principles

- **Confidentiality**

To protect the rights of both the complainant and alleged offender, wherever practicable, it is important to maintain strict confidentiality when dealing with complaints. Any breach of confidentiality will be treated seriously.

- **Sensitivity**

It is important that at no time is the complainant made to feel that they have invited the bullying, discrimination, harassment or victimisation nor is exaggerating their concerns as this may add to their perception of being bullied, harassed etc. Those involved should be sensitive to the fact that the employee may well have difficulty talking about the incidents and may become distressed during any interview. Counselling and support should always be offered.

- **Informal procedure**

This procedure is an optional alternative to the Council's formal procedures. It can be used where the individual believes the informal route will achieve the best result or where the employee wishes to avoid the formality of the grievance procedure. This option does not lead to the issue being treated with less commitment than if the matter was raised formally, and does not prevent an employee from directly implementing formal grievance procedures in the future nor detract from their rights to complain to an Employment Tribunal or court of law. The informal procedure can however enable the complaint to be dealt with quickly and can for many prove to be a better approach to resolving the matter. The complainant must of course agree to this approach. Further advice and assistance in the operation of this procedure is available from the Resource Personnel Section or the Personnel Adviser (Employee Support) in Corporate Personnel Services.

- **Formal procedure**

This should be used if the informal approach is not appropriate because of the serious or sustained nature of the unacceptable behaviour, or if an informal approach has failed.

At this point an employee may access the grievance procedures at stage 2 and raise the matter with the Head of Service. If dissatisfied with the outcome at this stage, the employee may submit the complaint to the Head of Personnel Services for consideration at stage 3 by the Appeals Panel.

2. Informal Procedure

- 2.1 An employee who feels that they have been subject to any form of bullying, harassment, discrimination or victimisation should advise the perpetrator that it is unacceptable and ask that it stops immediately. This may be done verbally or in writing. The employee should keep a note of the date, time and details of the request for future reference, if needed. If the offender has not been aware that their behaviour is causing a problem this may be sufficient to resolve the problem.

- 2.2 If the employee wishes support in raising the matter, this can be sought from a range of sources for example:
- their Resource Personnel Section
 - the Personnel Adviser (Employee Support/Corporate Resources)
 - Employee Support Team (Corporate Resources)
 - Employee Forums
 - a trade union representative
 - a co-worker
- 2.3 Should the behaviour persist, or if the process outlined above is unsuitable, the employee should contact their Resource Personnel or the Personnel Adviser (Employee Support) who will provide confidential advice. Where requested, an officer of the same gender as the complainant will be made available. The Resource Personnel or Personnel Adviser (Employee Support) will meet the employee to assess the situation and will discuss with the employee a suitable course of action, which may include:
- contacting the person the complaint is against (the alleged offender) and outlining the complaint
 - advising the employee to keep a record of each incident should the unacceptable behaviour continue, and informing the offender that this is being done
 - advising the perpetrator's Head of Service of the complaint
 - the employee instigating a formal grievance
 - the employee reporting the incident to the Police (in the case of a criminal act, for example, assault, etc.).
- 2.4 At any meeting to discuss the complaint, the employee may be accompanied by a companion. A companion is either an accredited trade union representative or a work colleague, and you should confirm both your attendance and the name of anyone accompanying you at the meeting.
- 2.5 If, following the action recommended above, the behaviour persists, the employee should notify their Resource Personnel Section and/or the Personnel Adviser (Employee Support) and raise the matter under the Council's Grievance Procedures at stage 2.
- 2.6 Any employee who considers that they have been bullied, harassed or victimised by a service user or member of the public should report the matter immediately to their supervisor. Support will be available from the Resource Personnel Section and/or the Personnel Adviser (Employee Support) in such instances.

3. Formal procedure

If the procedures outlined above are not successful or if the matter is so serious that the employee wishes to make a formal complaint, they should put this in writing to their Head of Service using the Council's Grievance procedures. Receipt of the complaint will be acknowledged in writing.

- 3.1 The Head of Service or nominated officer, will arrange for the matter to be investigated. As disciplinary action may result, consideration must be given as to whether it is appropriate for the alleged perpetrator to continue to undertake their current job/responsibilities.
- 3.2 Any investigating officer(s) appointed should have had no previous involvement in the case, for example at the informal stage. If requested, and if available, an officer of the same gender/race as the complainant will be involved in the investigation. A timescale should be set for the conclusion of the investigation and if this is not met, an interim report submitted outlining progress to date and estimated date of completion.
- 3.4 The alleged perpetrator should be advised of the nature of the complaint, the procedure being followed including the timescale for any investigation and of their right to be accompanied by a companion (as defined in paragraph 2.4) when interviewed.
- 3.5 The complainant's Head of Service or nominated officer will ensure that the complainant receives adequate support throughout the process. If the employees work together or regularly come into contact, an assessment will be made as to whether alternative arrangements have to be put in place until completion of the investigation.
- 3.6 On conclusion of the investigation, a written report will be prepared for consideration by the Head of Service or nominated senior officer. At this point a range of appropriate options might include:
 - action short of convening a disciplinary hearing for example counselling, transferring the employee etc.
 - convening a disciplinary hearing.
 - offer of counselling and/or mediation

The findings of the investigation will be confirmed in writing to both parties.

- 3.7 Should the investigation conclude that the allegation was malicious, the Head of Service or nominated senior manager will consider whether any action should be taken which could include convening a disciplinary hearing.
- 3.8 If the complainant remains dissatisfied with the outcome of the investigation, they can submit a complaint to the Head of Personnel Services for consideration at Stage 3 by the Appeals Panel.
- 3.9 Executive Directors will include information on the number of complaints received in terms of this policy as part of the monitoring reports submitted to Resource Committees.
- 3.10 Where an incidence has occurred, every effort will be made to prevent further bullying, harassment, discrimination or victimisation.

REFERENCE DOCUMENTS

- ◆ Disciplinary Procedures – Managers Handbook
- ◆ Grievance Procedures

OUTCOME FIVE

Provide training for managers in the effective operation of the policy and for employees in its principles and objectives

ORGANISATIONAL ACTIONS

- ◆ Provide guidance and information on the purpose, content and operation of this policy to all employees.
- ◆ Provide training programmes to enable employees to deal competently with the issues and situations that may arise through implementation of this policy.
- ◆ Ensure that information on this policy is contained in all relevant training programmes e.g. Corporate and Resource based induction, front line supervision, management development, discipline & grievance, interpersonal skills.

MANAGEMENT ACTIONS

- ◆ Participate in training/development activities provided to ensure knowledge and competence to implement this policy effectively.
- ◆ Promote availability of training opportunities to supervisors/managers in their service area
- ◆ Consider training needs in this area when discussing supervisors/managers' personal development plans in relation to equal opportunities.
- ◆ Ensure this policy and its principles are explained in any Resource based induction programme

EMPLOYEE ACTIONS

- ◆ Participate in any training opportunity regarding the purpose and operation of this policy
- ◆ Put the principles of the policy as described during training, into practice

REFERENCE DOCUMENTS

- Training Directory/Learning and Development Intranet Site
- Learning and Development, Strategic Framework
- Competence Initiative –a handbook for managers

OUTCOME SIX

Record and monitor complaints of unacceptable behaviour and report on the effective operation of the policy

ORGANISATIONAL ACTIONS

- ◆ Provide a range of statistical information on the number and nature of formal complaints of bullying, harassment, discrimination and victimisation.
- ◆ Establish a system for monitoring the effective implementation of this policy e.g.
 - through employee feedback such as attitude surveys, focus groups
 - monitoring of formal complaints raised through corporate monitoring reports.

MANAGEMENT ACTIONS

- ◆ Keep records of all complaints of bullying, harassment and victimisation within each Resource together with information on any management action taken to remedy the situation and prevent recurrence.
- ◆ Review and monitor the effectiveness of management actions taken within the Resource as a result of any complaint.

EMPLOYEE ACTIONS

- ◆ Become actively involved in discussions on how to prevent any recurrence of bullying, harassment and victimisation.
- ◆ Contribute to any agreed actions taken by management to prevent recurrence of any complaint.

REFERENCE DOCUMENTS

- ◆ Monitoring Reports to Corporate Management Team, Resource Committees and JTUC Executive

DEFINITION OF TERMS

1. General

There are many definitions of what constitutes bullying, harassment, victimisation and discrimination at work and some of them are given below for guidance. Whether these behaviours are intentional or not, they are unacceptable and contrary not only to this policy but also the Council's Equality and Diversity Policy as well potentially being in breach of equality legislation such as the Sex Discrimination Act, Race Relations Act, Disability Discrimination Act and Employment Equality Regulations. It is recognised that people will have different perceptions about what behaviour they find threatening or unacceptable or which causes distress. However, at all times, the perception and interpretation of the person on the receiving end of the behaviour must be central to consideration of the matter. We must highlight that all employees are valuable members of our workforce and that as an employer we will meet the needs of individuals to allow them to do their job.

2. Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, belittle or injure the recipient. It is usually persistent and makes the recipient feel upset, threatened, humiliated or vulnerable and undermines self confidence.

Examples of bullying could include:

- ◆ persistent unnecessary criticism,
- ◆ shouting at colleagues in public or private,
- ◆ deliberate isolation by ignoring or excluding a person,
- ◆ withholding information or removing areas of responsibility without justification,
- ◆ spreading malicious rumours,
- ◆ making inappropriate personal comments,
- ◆ blocking leave or training applications without reason,
- ◆ setting objectives with impossible deadlines with the deliberate intention of undermining an individual,
- ◆ undermining a person's self-respect by condescending, paternalistic or threatening treatment that humiliates, intimidates or demeans.

Bullying is largely identified not so much by what has actually been done, but rather by the effect that it has on the employee. Frequently, but not always, the bully is in a position of authority. However, bullying may be carried out by any employee at any level. It may also occur within a group of employees and also by service users.

3. Harassment

Harassment can be defined as unwanted conduct affecting the dignity of employees in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. Harassment occurs if the actions or comments are viewed as demeaning and unacceptable to the recipient.

Examples of harassment could include:

- ◆ unnecessary and unwanted physical contact ranging from touching to serious sexual or physical assault,
- ◆ verbal conduct such as sexist, racist, ageist or homophobic comments or innuendo;
- ◆ derogatory remarks about disability, age, sexual orientation or ethnic background; slogans, insults, comments of personal nature; suggestive remarks; inappropriate jokes or language;
- ◆ unwanted non-verbal conduct such as sexually suggestive gestures; staring and leering; display, storage or circulation of offensive material (electronic or otherwise).

4. Discrimination

Through the Equality and Diversity Policy the Council is determined to prevent unequal treatment and discrimination. Furthermore, discrimination for reasons of sex, age religion or belief, sexual orientation, disability and race are all against the law. There are two forms, namely:

- Direct discrimination: when an employee is treated less favourably (for example because of a characteristic such as race, gender, sexual orientation, religion, belief, age or disability) than others are, or would be treated, in the same or similar circumstances;
- Indirect discrimination: when a condition or requirement is applied equally to all employees but fewer members of one group can comply, (for example imposing a height restriction which may exclude certain genders, races or ages) this is to their disadvantage and cannot be justified operationally.

Language: an area of discrimination is the inappropriate use of language. It is important to recognise that this is not about changing fashions or political correctness, but about the different understandings and perspectives on language used across cultures and the implication(s) of misuse of words or phrases. The Council's Equality and Diversity Policy recognises that inappropriate use of language is not only a barrier to effective communication and service delivery but is also potentially unacceptable to other employees or service users. As such guidance on equality in communication has been produced by the Council's Equality and Diversity Working Group on what is appropriate, as well as expressions that may cause offence if used by employees. This is guidance only as there is no universal agreement on which words or phrases should be used in all contexts and the meanings of words can change. It is important however, to recognise that offence can be caused directly or indirectly by the use of some language and whether intentional or not this has a negative effect on our working environment and the services we deliver.

Some examples of language are provided below but for more detailed guidance, reference should be made to the guidance described above.

- Race:** The term “ethnic minority” is used to describe all groups who see themselves as separate in terms of ethnic or cultural identity.
- The term “coloured” was once common and is now generally regarded as unacceptable.
- “Half caste” is another term which is unacceptable; a more accepted expression is “mixed race”.
- Other words, which have been commonly used in the past but are not acceptable and which cause offence easily are “chinky” and “paki”. It is the derogatory way in which these terms have been or can be used which easily causes offence. These are not endearing terms by which to refer to either a person or group of people.
- Disability:** Words previously used to describe disabled people such as “cripple”, “handicapped”, “mentally handicapped” or “invalid” should not be used. These are seen as demeaning terms and as such expressions which reinforce impressions of frailty or negative images such as “victim of/crippled by/afflicted by/suffering from...” should not be used. Terms such as “disabled person”, “person with learning difficulties or disabilities”, “person with a sight /hearing impairment” or “wheelchair user” are more appropriate and sensitive to individuals.
- Religion:** It is also not acceptable to use inappropriate language to describe someone on the basis of their religion or beliefs, therefore expressions such as “tim” “left footer” or “proddy” and anything of similar nature are not acceptable language to use in an office environment or service delivery situation. Use of such language creates a negative image of the Council and can isolate individuals within the work environment for no acceptable reason.
- Sexual orientation:** Acceptable terminology to describe someone’s sexual orientation includes “homosexual” “gay man” or “lesbian”. Unacceptable language would include descriptions such as “poof”, “dyke”, “queer”, etc. However there should be no need, unless for a genuine service requirement, to be discussing an individual’s sexual orientation.

5. Victimisation

Victimisation is a criminal offence under race relations legislation. It can happen if an employee is treated less favourably as a result of exercising their rights, for example because they have raised a complaint, given evidence or information as part of an investigation or hearing. The Council views victimisation seriously as it could prevent an employee from ever raising issues of harassment or discrimination at work.

6. Motivation

What is clear is that in determining whether unacceptable behaviour has occurred is if the motive or intention of the perpetrators(s) are irrelevant. For example, harassment may be deliberate and conscious, but it may equally be unintentional and inadvertent. However, Employment Tribunals have consistently ruled that there can be no degree of acceptability for discriminatory behaviour in the workplace, and this is a view shared by the Council. It is the impact or effect on the individual at the receiving end that will determine whether harassment has taken place and, this will be central to the consideration of any complaint.

Finally, harassment, discrimination and victimisation are offences which are punishable by law and as such we have a duty to ensure that we do not put either employees or service users in any such situation.

REFERENCE DOCUMENTS

- Sex Discrimination Act 1975, as amended
- Race Relations Act 1976
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Race Relations Amendment Act -2000
- Disability Discrimination Act -1995
- Public Interest Disclosure Act - 1999
- Rehabilitation of Offenders Act-1974
- Employment Equality Regulations – 2003
- Employment Equality (Age) Regulations - 2006