

Dignity at Work Statement

Introduction

Bolton Council is fully committed to creating a culture where equality, diversity and inclusion are integral to everything we do. Our policies and processes form part of our infrastructure to support an environment where people from all groups and our diverse communities feel included, supported, and are treated fairly in accessing all opportunities.

Bolton Council are committed to working to eliminate racism and all forms of bullying and harassment in the workplace. As a Council we are committed to the GM Race Framework which ensures as an employer we take all relevant steps to prevent racism in the workplace as well as other employment charters such as the Good Employment Charter and Disability Confident.

Bullying, harassment and racist behaviour is unacceptable and will not be tolerated by Bolton Council. Bullying and harassment is a matter of misconduct and can also be illegal, as harassment behaviour can be contrary to the Equality Act 2010.

All employees and casual workers must treat their colleagues, their teams and their managers with respect and courtesy at all times and uphold the values and behaviours of the council.

All employees of Bolton Council handling personal data must comply with current data protection legislation and the Information Governance Framework together with the associated policies and procedures which are available on the Information Governance page of the intranet. If you do not have access to the intranet, please speak with your manager.

Scope

This policy statement covers bullying, harassment and racist behaviour of employees, by employees or casual workers.

This policy statement covers bullying and harassment that takes place during normal working hours and also outside normal working hours, where an individual's actions adversely affect the council or have a bearing on any workplace relationship, or through the use of social media.

This policy statement does not cover bullying and harassment of employees by agency workers, contractors, any other individual engaged to work for the council, customers, suppliers, vendors, visitors or other members of the public. Bullying and harassment of this nature would be dealt with in line with the Managing Work-Related Violence, Threats or Abuse to Staff Guidance.

If an individual that is not a council employee wishes to complain about bullying or harassment by Bolton Council employees, this will be dealt with using the Complaints Procedure.

Bullying

Bullying is unwanted behaviour from a person or group that is either offensive, intimidating, malicious or insulting. It is typically an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

Examples include (list not exhaustive):-

- Malicious rumours and allegations, including fabricating complaints from clients and other members of staff
- Aggression, threats, shouting, abuse and obscenities, persistent negative attacks or persistent unwarranted criticism
- Humiliation, criticism and ridicule, belittling efforts and undervaluing contribution, for example doing things to make someone seem unskilled or unable to do their job properly

- Withholding information, opportunities or training with the intent of deliberately affecting a colleague's performance or development
- Picking on one person when there is a common problem
- Ostracising, isolating and marginalising an individual, excluding the person from discussions, decision making or social gatherings with intent to isolate them.
- Unreasonably or unnecessarily removing areas of responsibility or imposing inappropriate tasks which are not in keeping with the duties and level of the post, or undermining professional status/someone's authority
- Insulting or offensive remarks made about your appearance, lifestyle, habits or attitudes
- Unfair allocation of work, setting unfeasible deadlines and over monitoring
- Cyberbullying – using Information and Communications Technology (particularly mobile phones, the internet and social media) to upset someone else

It is important to note that bullying does not consist of a manager legitimately carrying out their management responsibility in a proper and reasonable manner.

Harassment

The Equality Act 2010 protects against three particular types of harassment: -

- harassment related to the protected characteristics of race, disability, gender, gender reassignment, age, sexual orientation and religion or belief
- sexual harassment
- less favourable treatment of an employee because they submit to or reject sexual harassment or harassment related to sex or gender reassignment.

Harassment occurs when someone engages in unwanted conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Regardless of whether this was the purpose / intention of the conduct, in some cases, conduct which is intended to be friendly could also amount to harassment.

However, harassment doesn't have to be related to a protected characteristic. The Protection from Harassment Act 1997 states that an individual who causes fear, alarm or distress to another individual is classed as harassment.

Unwanted conduct can include any kind of behaviour, for example spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour. Examples include (list not exhaustive):-

- Making comments, jokes, personal insults, threats or using informal slang about an individual's appearance or protected characteristics such as race, age, sex, sexual orientation.
- Abuse of power relationships such as line manager to team member.
- Personal intrusion from pestering, spying and stalking.
- Unwanted physical contact or bodily behaviours such as offensive looks, physical assault, coercion for sexual favours.
- Comments or remarks about an individual's lifestyle such as unwanted criticism.
- Bullying online such as abusive texts or emails and bullying in person such as excluding individuals from activities and pressuring individuals to participate in unwanted activities.
- Any conduct which creates an intimidating, hostile, humiliating or degrading environment or where dignity is violated such as gossip, slander, using and promoting offensive language and content or using technology inappropriately.

Victimisation

Victimisation is treating someone less favourably than others because they have, in good faith, either:-

- complained (formally or otherwise) that someone has been bullying or harassing them or someone else, or
- supported someone to make a complaint, or
- given evidence in relation to a complaint.

If an employee is treated less favourably because they have taken such action, then this will be unlawful victimisation.

The Council will not tolerate retaliation or victimisation which occurs because an employee has reported an incident of suspected harassment.

Where an alleged incident is found to be reported frivolously, maliciously or for personal gain, the complainant will be liable to investigation and the possibility of disciplinary action.

Duty to Prevent Sexual Harassment

The Worker Protection (Amendment of Equality Act 2010) Act 2023 places a new positive legal obligation on employers to take reasonable steps to protect their workers from sexual harassment.

Sexual harassment awareness training is mandatory for all employees and can be found on the council's online learning platform.

It is good practice for services to undertake a risk assessment to reduce the risk of sexual harassment and take preventative measures in line with the risk assessment guidance.

Reporting and Investigating Concerns

All complaints alleging bullying or harassment will be dealt with in a confidential and sensitive manner and employees will be protected against victimisation when bringing an anti-harassment complaint.

Employees should raise any concerns informally with their manager in the first instance.

If it is not appropriate for the matter to be handled by the line manager (for example if they are the alleged harasser or perpetrator of bullying) the employee should discuss their concerns with another manager, or alternatively, their Departmental HR contact. Contact details for Departmental HR teams can be found on the intranet.

Anonymous complaints can also be raised via the Whistleblowing Policy which is available on the intranet.

If appropriate, mediation may be requested. Mediation is a flexible and confidential process used to settle a disagreement between two or more people. It is held by a 'mediator,' a trained professional who does not take sides and is there to help everyone involved find a solution they can all agree to.

Mediation is not about judging who was right or wrong in the past. It looks at how to agree on working together in the future.

Should it not be appropriate that the matter is dealt with informally, a suitable investigating panel will be convened, and the complaint will be formally investigated in accordance with the council policy. If the investigation reveals that there is a likelihood that bullying or harassment did occur, the matter will then be dealt with in accordance with the council's Disciplinary Procedure.