

DERBYSHIRE FIRE & RESCUE SERVICE



EMPLOYMENT POLICY

DIGNITY AT WORK

SEPTEMBER 2019
VERSION 2.1
STATUS: LIVE

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1 POLICY STATEMENT

- 1.1 The purpose of the Dignity at Work policy is to ensure a culture of working relationships which, in line with Derbyshire Fire & Rescue Service (DFRS) Core Values, everyone is treated fairly and with dignity and respect to create a positive working environment. This is irrespective of age, disability, gender (sex), gender reassignment, marriage and civil partnership (including same sex marriage), religion or belief, race, pregnancy and maternity, sexual orientation or any other appropriate protected characteristic.
- 1.2 DFRS will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken.
- 1.3 The Dignity at Work policy provides an effective framework for managing complaints when there have been allegations of bullying or harassment and will help to identify and deal with issues fairly, sensitively and effectively. Bullying and harassment detracts from a productive working environment and can affect health, confidence, morale and performance.
- 1.4 This policy is designed to ensure all employees are aware of what constitutes bullying and harassment, how to safely challenge inappropriate behaviour and how to raise a complaint without fear of victimisation.
- 1.5 The Service's Diversity and Inclusion Policy Note is the document which encompasses the organisation's position with regard to human rights, diversity, equality and inclusion.

2 SCOPE

- 2.1 This policy covers all employees, agency workers, contractors and anyone else engaged to work with DFRS whether by direct contract with the organisation or otherwise during the course of their normal duties. However, breaches by contractors, consultants and agency workers will be dealt with through the contract holder.
- 2.2 The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace when employees are "off duty" but the event is closely linked to their employment with DFRS, e.g. business trips and work-related social events.
- 2.3 This policy does not cover bullying or harassment by customers, suppliers, vendors or visitors and, in these cases, employees should report any inappropriate behaviour to their manager who will take appropriate action.
- 2.4 Bullying or harassment by employees of service users, partners, other stakeholders, suppliers, vendors or visitors or others will be dealt with through the Disciplinary Policy & Procedure, available on FireView.

3 DEFINITIONS

3.1 The Advisory, Conciliation and Arbitration Service (ACAS) guidance for managers and employers on bullying and harassment at work provides definitions and information as outlined below.

3.2 **Bullying** may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

3.3 **Harassment** is unwanted conduct related to a relevant protected characteristic (age, disability, gender (sex), gender reassignment, marriage and civil partnership (including same sex marriage), religion or belief, race, pregnancy and maternity, sexual orientation or any other appropriate protected characteristic) or of a sexual nature, which:

- has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the individual; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct

What does bullying and harassment include?

3.4 Bullying and harassment may be against one or more people and may involve single or repeated incidents ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone.

3.5 It is important to remember that individuals have lots of different elements to their identities – someone might be bisexual and disabled, religious and from a minority ethnic group, or gay and dealing with a mental health issue. Multiple identities may mean that individuals may experience multiple levels of discrimination.

3.6 Bullying and harassment does not always take place face to face, it can also be by written communications including inappropriate use of social media, visual images, and email and telephone conversations. It can often occur without witnesses. Examples include:

- unwanted physical contact, ranging from touching to serious assault
- unwelcome remarks about a person's sex life, age, dress, appearance, race or marital status, jokes at personal expense, offensive jokes, language, gossip, slander, sectarian songs and letters, e.g. calling someone "queer" because there are gay/lesbian and asking if someone who is Bi if they prefer men or women
- posters, graffiti, obscene gestures, flags, bunting and emblems
- isolation or non-cooperation and exclusion from social activities

- coercion for sexual favours
- questions about a person's sex life
- displaying pornographic or explicit images
- pressure to participate in political/religious groups
- personal intrusion from pestering, spying and stalking
- shouting
- setting impossible deadlines or unequal workloads
- persistent unwarranted criticism
- personal insults, e.g. purposefully using the wrong name or a pronoun for a trans colleague
- dual discrimination, e.g. verbally abusing someone because they are gay and religious

3.7 The above list is not exhaustive.

3.8 Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a 'joke' may offend another person. Different people find different things acceptable.

3.9 Some types of harassment, such as sexual assault and other physical threats, are a criminal matter as well as an employment matter. Criminal matters should be reported to the police. If a complaint is reported to the police, or criminal court proceedings are being pursued, the Service will still investigate the complaint as an employment matter. The Service may deal with any issues under the Discipline Policy and Procedure without awaiting the outcome of criminal proceedings, provided this can be done fairly.

4 CONFIDENTIALITY

4.1 Confidentiality must be maintained throughout the application of this policy and in accordance with the requirements of the Data Protection Act. A breach in confidentiality may result in disciplinary action.

5 RESPONSIBILITIES

All Employees

5.1 Everyone has a responsibility to behave in a way that is not offensive and to acknowledge that views and opinions held by others and decisions made by managers, may not always coincide with their own. Such differences are unlikely to constitute bullying or harassment.

5.2 Everyone is expected to follow the principles within the Diversity and Inclusion Policy Note, a copy of this is available on FireView. Line Managers must ensure employees are aware of what is expected of them. Employees also have a responsibility to undertake Inclusion and Equality training as provided by the Service and appropriate to their role.

5.3 The Dignity at Work policy is also supported by the Fire and Rescue Service National Core Values, which all Fire and Rescue Service employees are required to work to, specifically the Core Values of Diversity and People as detailed below. DFRS has adopted the National Fire Service Core Values, underpinned by its own Core Values.

5.4 We value Diversity in the Service and Community by:

- Treating everyone fairly and with respect
- Providing varying solutions for differing needs and expectations
- Promoting equal opportunities in employment and progression within the Service
- Challenging prejudice and discrimination

5.5 We value all our People by practicing and promoting:

- Fairness and respect
- Recognition of merit
- Honesty, integrity and mutual trust
- Personal development
- Co-operative and inclusive working

5.6 DFRS Core Values:

- Leadership – We listen, develop and champion our people
- Respect – We value the opinions of our people
- Integrity – Our actions will always be well intended
- Openness – We won't hide anything and will share our experiences and knowledge
- Teamwork – We will always do the best we can

Managers

5.7 Managers and those in positions of authority have both a right and responsibility to carry out managerial duties, including promoting a positive working environment free from bullying and harassment. In doing so they may need to adopt a firm or assertive style, but they should take care not to demean, devalue or intimidate employees.

5.8 Managers are also responsible for taking appropriate preventive or corrective action and ensuring any unwanted and unreasonable conduct they are aware of is dealt with appropriately. They should also ensure their employees undertake appropriate Inclusion and Equality training. Managers are also expected to provide appropriate support to all parties involved in cases of bullying and harassment. Managers can obtain advice from Prevention & Inclusion and Organisational Development with regards to training.

HR Services

- 5.9 HR Services will advise managers and employees on the Dignity at Work policy and procedure.

Prevention and Inclusion

- 5.10 Prevention and Inclusion will act in an independent advisory capacity to provide support and guidance to employees on the following:

- inappropriate behaviour being experienced i.e. bullying or harassment and advise on the policy and procedures that are available
- advice and information about policy and procedures where allegations of bullying or harassment have been made
- signposting to other support services such as Occupational Health and Wellbeing, line management and/or HR Services

- 5.11 Prevention and Inclusion will act in an independent advisory capacity to provide support to managers or HR Services on the following:

- specialist knowledge with regard to equalities legislation and practice
- to act in an advisory role on specific dignity at work complaints and associated investigations where requested

Trade Unions

- 5.12 Trade Union representatives are able to offer support and advice to any of their members who feel they have been bullied or harassed.

- 5.13 At all formal stages employees have the right to be accompanied by a Trade Union Representative or a DFRS work colleague. DFRS would encourage employees to seek this assistance at the earliest possible opportunity.

6 INFORMAL RESOLUTION

- 6.1 Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding of the implications of their actions and agreement that the behaviour will cease. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships.

- 6.2 Individuals are encouraged to try to resolve the problem informally by making it clear to the accused that their actions are unwanted and should not be repeated. This may be done verbally or in writing and where possible, a record should be kept of the times, dates, locations of incidents, feelings at the time and any witnesses' etc.

- 6.3 If the individual feels unable to make an informal approach, they may seek support from their line manager who may speak to the parties involved on their behalf.
- 6.4 An individual who is made aware that their behaviour is unacceptable should:
- Listen carefully to the complaints and the particular concerns raised
 - Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation
 - Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important
 - Agree the aspects of behaviour that will change
 - Review their general conduct/behaviour at work and with workplace colleagues

7 FORMAL RESOLUTION

- 7.1 If the individual feels the situation is too serious to be dealt with informally, they can make a formal complaint in line with DFRS Grievance Policy and Procedure, available on FireView. In these circumstances it will be deemed that the informal stage of the Grievance Policy and Procedure will have already been exhausted.
- 7.2 Formal complaints should be made in writing using the Grievance Form, available on FireView.
- 7.3 Employees should be protected from intimidation, victimisation or discrimination for raising a complaint or assisting in an investigation. Retaliation is a disciplinary offence and will be dealt with under the Discipline Policy and Procedure.
- 7.4 When dealing with a complaint of bullying and harassment the relevant manager should contact HR Services as soon as possible.
- 7.5 If the employee is a member of a Trade Union, it is their responsibility to contact their Trade Union Representative, as appropriate. Trade Union Representatives will also need to contact their Union secretary. This is to allow the Union to carry out its own investigation under their own policy, if required. For FBU members this may include their All Different, All Equal (ADAE) policy.
- 7.6 Should a counter-allegation be received, then both parties' allegations should be dealt with as per this policy.
- 7.7 If the allegations and the working situation warrant it and where practicable, consideration may be given by the Area Manager to the temporary transfer of either or both employees in relation to the complaint. This will be for the duration of the investigation and will be undertaken as a neutral act.

- 7.8 Employees may be suspended during the investigation (in line with the Discipline Policy and Procedure). However, suspension is a neutral act and not an assumption of guilt.
- 7.9 The Grievance Policy and Procedure sets out the process DFRS will follow to ensure concerns are addressed fairly, consistently and as quickly as possible.
- 7.10 Concerns will be investigated in line with the Grievance Policy and Procedure. This may involve further discussions about the grievance with the complainant, others employees who were witnesses, or who were involved in the complaint.
- 7.11 Once the investigation is complete, a manager will meet with the employee to discuss their grievance and provide a formal response in writing.
- 7.12 Where a grievance is upheld and involves the action of a DFRS employee, this may result in disciplinary proceedings for that individual, which could lead to dismissal in serious or repeated cases, as outlined in the Discipline Policy and Procedure.
- 7.13 Prevention and Inclusion, Operational Training and Organisational Development will provide information on potential courses, training or coaching where it is felt to be of benefit.
- 7.14 If the complaint is upheld, the employee may request to move department/section depending upon the nature of the complaint and the people involved. Appropriate consideration should be given to this request and the outcome with reasons provided. This does not mean there will be an automatic move; each case will be reviewed on its own merit.
- 7.15 With any allegation, the need for a thorough and objective investigation is paramount, with detailed and accurate records maintained throughout. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, maliciously or for personal gain, then the individual making the complaint may be subject to disciplinary proceedings as outlined in Discipline Policy and Procedure.

8 APPEALS

- 8.1 Appeals against decisions made following a formal complaint, will be dealt with in line with the Appeal stage of the Grievance Policy & Procedure. The appeal must be made using the Grievance Appeal Form, available on FireView or from HR Services.

9 RECORDS

- 9.1 Where the complaint is informal and resolved at this stage, no record will be kept on the employee's personal record file unless a Note for File is issued.

- 9.2 Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, the grievance outcome letter will be retained on the employee's personal record file. The supporting documentation will be retained in a separate file for a period of 12 months, after which they will be destroyed.
- 9.3 Where the matter proceeds to a disciplinary hearing, then the storage of records should be in accordance with the Discipline Policy and Procedure.

10 MONITORING AND REVIEW

- 10.1 Statistics on completed cases will be held by HR Services.
- 10.2 Formal review of trends in non-identifiable data will be monitored and reported to the appropriate forums on a quarterly basis. Other analysis at year end and year on year will be reported to the appropriate forums, which may include the Fire and Rescue Authority.
- 10.3 If any trends are apparent, a decision will be made as to how any issues are to be addressed, for example change in practice, revised policy etc. These reports will be submitted as part of a portfolio of evidence for future HR Services, Prevention and Inclusion and Corporate Governance audits.

11 ADVICE AND SUPPORT

- 11.1 Any employee can seek advice and support from one or more of the following sources:
- HR Services
 - Their line manager (or another senior manager within the Service)
 - Their recognised trade union representative i.e. FBU/RFU/UNISON
 - Occupational Health
 - Employee Assistance Programme (EAP) – a 24 hour support line (refer to FireView for contact details)
 - Employee Support Networks
 - Firefighters Charity
 - DFRS Chaplains

12 RELEVANT FORMS

Grievance Form
Grievance Appeal Form

13 RELEVANT DOCUMENTS

Diversity and Inclusion Strategy
Diversity and Inclusion Policy Note

Employment Policy: Dignity at Work Policy v 2.1 September 2019

This Employment Policy is uncontrolled when printed. Please ensure you have the most up-to-date version.

14 RELEVANT LEGISLATION

The Equality Act 2010
Human Rights Act 1998
Protection from Harassment Act 1997
Sex Discrimination (Gender Reassignment) Regulations 1999
Employment Relations Act 1999
Management of Health and Safety at Work Regulations 1999
Rehabilitation of Offenders Act 1974
Health and Safety at Work Act 1974
Data Protection Act 1998

DOCUMENT HISTORY	
Version no	2.1
Status	Live
Replaces	Dignity at Work Version 2.0 which has been removed from the Intranet. All hard copies should be destroyed.
Summary of changes	This Employment Policy has been reviewed and minor changes have been made as follows: <ul style="list-style-type: none"> • Addition of specific example of bullying and harassment; questions about a person's sex life relating to being Bi
Author	Ruth Holden, HR Partner in liaison with Lukasz Gazda, Inclusion Officer
Responsible Portfolio/Department	HR Services and Prevention & Inclusion
Approved by	Area Manager Judi Beresford

Revision history			
Version	Date	Author	Changes
2.0	August 2018	Emma Stevenson and Annette Barrett in liaison with Prevention & Inclusion	<ul style="list-style-type: none"> • Removal of Inclusion Charter as an appendix. • Clear link made to the Grievance Policy & Procedure, simplifying the formal complaints process • New section added with reference to definitions of bullying and harassment • General update of language and terminology, including specific examples of bullying and harassment.

1.0	January 2012	Umar Zamman	<ul style="list-style-type: none"> • The policy has been re-written in plain English to ensure it is easy to understand. • The procedures have been simplified so that anyone suffering stress from their situation will find the document easier to read and understand • Clear links have been made to the Discipline policy • The policy and procedure have been brought together in one document removing unnecessary repetition of information • It is now clear that a complaint under the Dignity at Work policy will not always result in disciplinary action
Unversioned	December 2007	Unknown	New Employment Policy

Review Period

This Employment Policy will be reviewed September 2024.

Distribution

Employment Policies are published on the intranet in the month of issue. No hard copies are distributed.

Index

Keywords: Harassment, bullying, dignity, respect, unwanted conduct, protected characteristic, age, disability, gender, gender reassignment, marriage and civil partnership, same sex marriage, religion, belief, race, pregnancy, maternity, sexual orientation, grievance, discipline, complaint