

Dignity & Diversity at Work Policy

Purpose and Scope

The purpose of this policy is to support Truro City Council's aim of providing a working environment that is free from all forms of discrimination and where all are treated with dignity and respect.

The policy applies to all employees and other workers within Truro City Council, and unless otherwise stated all references to employees include potential employees, former employees, full-time and part-time employees as well as agency workers, temporary workers and contractors.

Policy Statement

We are totally committed to the principle of equal opportunities and to creating a working environment in which you are treated with dignity and respect, one that is free from unlawful discrimination, victimisation or harassment on the grounds of:

- colour, race, nationality, national or ethnic origin;
- sex, marital or civil partner status or gender reassignment;
- disability of any kind;
- religion or similar belief;
- sexual orientation;
- pregnancy;
- HIV status;
- age; and
- trade union membership or non-membership.

Our commitment applies to all aspects of employment including:

- selection for vacancies;
- terms and conditions of employment;
- training, career development and progression;
- working relationships between members of staff.

We take this policy very seriously. A breach of this policy is considered to be misconduct and disciplinary action, including dismissal for serious offences, will be taken against people who do not comply with it.

What is discrimination?

Broadly, a person has been discriminated against if:

- they have been treated less favourably than another person on any of the grounds set out above; or
- a procedure or practice places a group of employees at a disadvantage on any of the above grounds; or
- they have a disability and reasonable steps have not been taken to meet their needs.

What is harassment?

Harassment is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It includes physical and verbal conduct and it can also be conduct of a non-verbal nature such as sending abusive e-mails, displaying offensive posters on the wall or uploading messages or photos onto websites. Harassment may be a single incident or persistent behaviour.

Harassment is unlawful where it is motivated by one of the grounds set out above but we include more general harassment within our definition. Although not exhaustive, the following are examples of types of behaviour that may amount to harassment:

- physical violence actual or threatened;
- physical or verbal abuse;
- threats;
- suggestive comments or gestures;
- offensive or intimidating gestures, language, gossip or jokes;
- insulting or abusive behaviour or comments;
- isolation or exclusion such as 'sending someone to Coventry';
- spreading malicious rumours;
- bullying;
- unreasonable persistent criticism or humiliation;
- unfair allocation of work or responsibilities;
- misuse of power or position.

What is sexual harassment?

Sexual harassment is one form of harassment. Generally it involves behaviour towards another, where the perpetrator knows or should know that the behaviour is unwelcome because it is offensive and is perceived to be of a sexual nature.

Although not exhaustive, the following are examples of types of behaviour that may amount to sexual harassment:

- Physical conduct of a sexual nature - unwanted physical conduct, including unnecessary touching, brushing against another employee's body.
- Verbal conduct of a sexual nature - unwelcome sexual advances, continued suggestions of social activity outside work after it has been made clear that this is unwelcome.
- Non-verbal conduct of a sexual nature - the display of sexually suggestive or pornographic pictures or the sending of sexually harassing messages or images through electronic mail, the internet or mobile phone.
- Sex-biased conduct - Conduct that denigrates, ridicules, is intimidatory or physically abusive of an employee because of their sex, marital status or sexual orientation.
- Sexual harassment by someone of the same gender as the victim also amounts to harassment.

What is victimisation?

Someone is victimised where they suffer unfavourable treatment because they have, in good faith, made a complaint under this policy, acted as a witness or accompanied a complainant at a meeting.

Responsibilities – Working with Truro City Council

It is your obligation to be sensitive about the impact that you have on others and behave in a way that supports our policy when dealing with everyone that you come into contact with as part of your employment with Truro City Council. Our policy is not designed to discourage normal social relations among colleagues or with the public but aims to prevent discrimination, harassment and victimisation.

Our policy applies not only at Truro City Council's premises but anywhere you are working as part of your employment with the Council. This includes any social occasions organised by the Council.

You must not instruct or aid someone to carry out an act of discrimination, harassment or victimisation or condone discrimination, harassment or victimisation by others. You have a responsibility to promptly report any such behaviour of which you become aware.

Responsibilities – As a Manager/Supervisor

In addition to your general responsibilities above, it is also your responsibility to apply this policy as part of your day to day management within Truro City Council and to make sure that your team are aware of and complying with this policy.

Personal Liability

All workers should note that you may be held personally liable for some acts of harassment that you commit, encourage others to commit or that you do not deal with, prevent or report once aware of them. This can lead to your being required to pay compensation to a victim of harassment.

Complaints under this Policy

We encourage employees who have a complaint to raise this as promptly as possible as this is more likely to enable the facts to be established accurately and a successful resolution to be achieved. We aim to deal with all complaints as quickly as possible. Truro City Council will take all complaints seriously and no employee who makes a complaint in good faith, or participates in an investigation or a complaint will be victimised for doing so. Complaints may be made against members of the Council and these will be approached with the same objectivity and thorough investigation as any other complaints.

We treat all complaints as confidential but it may be necessary to disclose certain information to other personnel or during disciplinary action. We will seek to act

in accordance with the wishes of complainants and witnesses concerning their identity but cannot guarantee anonymity.

Truro City Council will take a view on whether behaviour complained of amounts to harassment considering both the effect on the complainant and whether the behaviour complained of would reasonably be expected to have caused such an effect. This means that harassment may have taken place even if there was no intention to cause offence. It is also possible that an individual may find behaviour objectionable that Truro City Council views as reasonable or legitimate. Complaints that are not made in good faith and involve deliberate misuse of the above procedure may result in disciplinary action being taken against the complainant.

Informal Stage

You should consider whether it is appropriate to raise the matter directly with the person concerned in order to resolve the problem. If it is not, you should speak to your manager or if you feel unable to discuss the matter with your manager then you should discuss it with either the Town Clerk of Truro City Council or the retained Personnel Adviser.

Following your discussion, you will be asked to choose one of the following options:

- agree that no further action is necessary;
- agree to discuss the complaint with the individual who is alleged to have caused offence to ask them to stop;
- put your complaint in writing to the person causing the problem;
- ask a friend or colleague to speak to the person on your behalf;
- ask your manager / the Town Clerk / retained Personnel Adviser to help to resolve the matter through informal and/or discreet approaches; or
- raise a grievance about your concerns.

If you are not satisfied with an informal approach, a grievance can be made at any stage.

Formal Stage

If you prefer, you may use a more formal approach to resolving the problem by raising a grievance at Stage 1 of that policy. The formal procedure may be more appropriate in instances of serious complaint or where an attempt at informal resolution has not been successful. It is up to you to decide what the best approach is. Please be aware, however, that Truro City Council has a duty to protect all its workers and may be obliged to pursue a complaint independently, if considered necessary and appropriate in all the circumstances.

The normal provisions of the grievance policy apply to a complaint regarding discrimination, harassment or victimisation including the right to be accompanied at a grievance meeting and to appeal the Stage 1 outcome. Your written grievance should be signed and dated and include full details of the behaviour complained of, the identity of the alleged harasser, any documentary evidence, witnesses and any action that has been taken to date.

Following receipt of your grievance the allegations will be investigated as carefully and discreetly as possible. This will involve hearing detailed accounts from all parties. Other members of staff may also be asked to provide information. Documents, e-mail and other evidence may be considered.

Where a formal investigation has been conducted and where it has been reasonably concluded that some form of discrimination, harassment or victimisation may have taken place, those responsible will be subject to our normal disciplinary policy. Action will not normally be initiated without the agreement of the complainant but there are some circumstances where Truro City Council may need to pursue the matter formally. For example, if other people could be at risk if no action is taken.

The outcome of any disciplinary procedure will depend upon the circumstances. Consideration may be given to redeploying either the discriminator/harasser or the complainant if this is practicable. If redeployment is considered, the wishes of the complainant will be taken into account and the complainant will not usually be redeployed if they do not want to be unless this is considered impractical on grounds of efficient or effective working.