
Equality and Dignity at Work Policy

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Revision due	The service would aim to review policies and procedures every 2 years to ensure documents are up to date		
Owning Service	Human Resources		

Approvals (if required)

Date Employment Committee gave authorisation for changes (where necessary)

Change History

Version	Date	Description	Changes made by
1.1	October 2021	Creation of a new Equality Policy incorporating the previous Fair Treatment Policy	

BRACKNELL FOREST COUNCIL'S EQUALITY & DIGNITY AT WORK POLICY

POLICY STATEMENT

At Bracknell Forest Council we are committed to encouraging equality, diversity and inclusion among our workforce, and eliminating unlawful discrimination. We want everyone that works for us to feel that their individuality is respected, and their unique contributions are valued. We believe in treating all employees fairly and equitably and improving the working lives of all staff (full time, part time or job share, regardless of gender, race, disability, sexual orientation and gender identity/gender expression, age or personal circumstances)

The aim is for our workforce to be truly representative of all sections of society and our customers, creating the conditions where each employee feels respected, can perform at their best, are treated as individuals and celebrated for their uniqueness.

We believe that all employees have the right to work in an environment where dignity, courtesy and respect are permanently maintained. The Council will not tolerate behaviour which is regarded as unwelcome or unwarranted and has a detrimental effect on employees. This Policy will inform and guide good practice in promoting dignity at work on the understanding that all employees have a right to be treated with justice and equality and outline the means for dealing with unfair treatment, such as bullying, harassment, victimisation or discrimination, with fairness and sensitivity.

The Council - in providing goods and/or services and/or facilities - is also committed against unlawful discrimination of customers or the public.

PURPOSE

- Acknowledge that unfair treatment of any nature is always unacceptable and could also result in high levels of stress, reduced job performance and increased staff turnover.
- Heighten awareness of the need for fair treatment and dignity at work, for individuals to be able to raise their concerns about bullying, harassment, victimisation or discrimination and have these concerns dealt with fairly and empathetically
- Provide equality, fairness and respect for everyone who works for the Council in any capacity
- Not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex and sexual orientation
- Oppose and avoid all forms of unlawful discrimination. This includes pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities

PRINCIPLES

At the Council we recognise that the key to a healthy high performing workforce and working environment is trust, quality relationships and open, honest communication between colleagues, councillors and line managers. Every interaction should be based on mutual respect and professionalism. We work hard to ensure that everyone feels they have the support, conditions and tools to do their very best work. However, we recognise that there are occasions where colleagues feel they have been treated disrespectfully and/or in an undignified manner. This policy is in place to deal with those instances either informally or through a formal process.

Every employee has the right to determine what behaviour they find unacceptable. An employee who feels that they have been unfairly treated or has their dignity compromised has the right to have the incident(s) investigated and resolved in the most appropriate manner. The Council will take seriously all complaints of unacceptable behaviour by fellow employees, councillors, customers, suppliers, visitors, the public and any others in the course of the Council's work activities

The Council recognises that employees may sometimes be reluctant to report unfair or unequal treatment, but the Council is committed to taking breaches of this Policy seriously and ensuring they are dealt with sensitively, fairly, and where appropriate, confidentially. Appropriate action will be taken against those who victimise an employee who brings a complaint under this Policy.

If an employee makes a formal complaint that they are being treated unfairly the incident will be formally investigated regardless of whether other parties may view it as serious or harmless, intentional or innocent. Irrespective of whether the complaint results in Grievance Proceedings, a manager may initiate a Disciplinary Hearing in accordance with the formal procedure contained within this policy.

Cases of unfair treatment or undignified behaviour may be dealt with through the Council's Disciplinary Procedure, depending on the outcome of the investigation; serious cases may be considered as gross misconduct and could result in suspension or dismissal.

Sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.

All parties are subject to fair treatment and dignity at work under this policy. Any party initiating a false complaint for malicious reasons will be dealt with under the Council's Disciplinary Procedure.

It should be noted that if tribunal proceedings are initiated by any harassed employee, such proceedings may be taken against both the employer and the alleged 'harasser'; any award may be significant and may be made against both the employer and the 'harasser' personally.

The organisation commits to:

- Encourage equality, diversity and inclusion in the workplace as they are good practice and make business sense
- Create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued. This commitment includes training managers and all other employees about their rights and responsibilities under this Policy. Responsibilities include staff conducting themselves to help the organisation provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.
- Ensuring that all staff understand they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public
- Make opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.
- Make sure that decisions concerning staff are based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).
- Review employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law.
- Monitor the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality, diversity and inclusion, and in meeting the aims and commitments set out in this Policy. Monitoring will also include assessing how the equality, diversity and inclusion policy, and any supporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues.

This Policy is fully supported by senior management and has been agreed with trade unions.

Details of the organisation's Grievance and Disciplinary Policies and Procedures can be found on the intranet. This includes with whom an employee should raise a grievance – usually their line manager.

SCOPE

This policy applies to all staff working for Bracknell Forest Council in any capacity, excluding school-based staff who have their own policies in relation to dignity at work.

Any complaint involving a Councillor(s) will be referred through the Member/Officer Protocol and the Council's Standards Committee

DEFINITIONS

Bullying and harassment is behaviour that makes the recipient feel intimidated or offended. Under the Equality Act 2010, Harassment is unlawful.

Bullying and harassment can happen; face to face, by letter/email, by phone or any medium which results in an adverse effect on the individual's personal safety, well-being or job performance. Acts of bullying and harassment may be regarded as being imposed by one person or a group of people; they can be a one-off event or a series of incidents.

Harassment is unwanted behaviour related to any one of the following characteristics:

- Sex
- Race
- Age
- Disability
- Gender reassignment
- Pregnancy and Maternity
- Religion or belief
- Sexual orientation
- Marriage and Civil Partnership
- Personal characteristics
- Position in the organisation
- Or any other material factor

Examples of the type of behaviour which may be regarded as bullying/harassment are:

- Exclusion or victimisation
- Being treated less favourably – unfair treatment
- Misuse of power or position
- Comments or abuse based on any of the personal factors listed above
- Unwelcome sexual advances, verbal, physical or emotional, e.g., touching, invasion of personal space, displays of offensive materials, etc.
- Unwanted or patronising comments and/or innuendo
- Ridiculing or demeaning comments or behaviour
- Deliberately picking or undermining someone, sometimes referred to as gas lighting
- Making unreasonable work demands or subjecting them to constant unwarranted criticism
- Spreading malicious rumours or insults
- Unreasonably obstructing an individual's progress at work by blocking promotion or training opportunities
- Being impolite and or unprofessional in order to undermine another

Please note, this list is not exhaustive and other actions may constitute bullying/harassment.

We recognise that such behaviour is not always intended and there will be occasions where the impact of a person's behaviour is not what was intended, and we want every colleague to feel that they can raise poor behaviour directly with the perpetrator as it occurs in a non-confrontational manner. To achieve this the Council will make clear the expected behaviours and ensure everyone has the training and knowledge to understand this policy and their responsibilities with in it.

ROLES AND RESPONSIBILITIES

Senior Leaders and Councillors

It is the responsibility of the Council's senior leadership team and councillors to set the expectations and strategy for equality and diversity.

They should role model the principles set out in this policy and ensure that it is clear what is expected of others. Aligned to our values and behaviours here at Bracknell Forest Council the senior leadership ensure that our workforce demographic matches the diversity and individuality of our communities.

They must ensure that pay, support, recognition, reward and opportunities at work are fair, transparent and consistent.

Line Managers

It is the responsibility of line managers to ensure that they provide the conditions and support for team members to do their very best work regardless of their individuality.

They must ensure that they take all the necessary steps to ensure that every team member understands their responsibilities in respect of equality, diversity and dignity at work.

Where an issue arises, they must seek to deal with it at the earliest opportunity, taking a mediative approach where possible. In instances where this requires a formal approach, line managers must ensure that they follow the appropriate steps and actions as set out below.

Line managers should regularly communicate and role model the expected behaviours and ensure that the appropriate training has been received so that everyone understands equality, diversity and dignity in the workplace.

Equality Allies (EA)

We understand that in some cases, employees who experience some form of unwanted behaviour may want to talk it through with another colleague. The Council's EA's are trained to act as a 'listening ear' to signpost and educate colleagues on all matters relating to equality, diversity and inclusion at work.

They are trained and knowledgeable to help where an employee may want further information, understand the Council's Policy or refer to a HR Advisor in the event of seeking further informal or formal action. For information about the EA in your team or Directorate please visit their dedicated pages at [Equalities \(sharepoint.com\)](https://sharepoint.com)

Employees

In line with this Policy, every employee and councillor regardless of their level and position must act in accordance with the values and behaviours agreed. We expect the highest level of professionalism from every member of staff together with behaviour that is mindful and compassionate.

We understand, however that there are occasions where a person's intention is not to cause offense or upset, but the perceived or actual impact is negative and detrimental towards another individual. Where appropriate, the recipient of the alleged behaviour is encouraged to discuss this directly with the colleague but, should this not be appropriate, this may be addressed to the line manager.

As set out in this policy employees can speak informally to an EA, their line manager, seek advice from HR or have the matter dealt with formally through procedure below.

All staff must ensure that they have completed the available training on Equality, Diversity and Inclusion in the workplace and take positive steps and action to treat everyone with respect, dignity and professionalism regardless of their individuality.

Human Resources

The HR team are responsible for ensuring that the Council's Policy on equality, diversity and dignity at work are clear, communicated and accessible to all. Ensuring that the process for dealing with issues that are related are dealt with following the correct procedure in partnership with managers and leaders.

They are responsible for ensuring that Equality, Diversity and Inclusion in the workplace training is available, relevant and up to date with the latest legal framework under the Equalities Act 2010.

HR provide advice and guidance on any issues related to equality, diversity and dignity at work. They are responsible for working with managers to formally investigate any issues of bullying, harassment, unfair treatment, discrimination or victimisation in the workplace, whether this is intended or not.

PROCEDURE FOR DEALING WITH ISSUES

INFORMAL PROCEDURE

In the first instance, if the employee feels able to, they should attempt to resolve the problem informally.

Suggestions to resolving informally are:

- If you feel able to, talk to the person causing offence and explain how it is making you feel. Make it clear that you consider that the person's behaviour is unacceptable and that you wish it to stop.
- If you feel unable to do this yourself, you could consider asking someone you trust to raise the issue on your behalf. The offending behaviour may be unintentional, and the person may be unaware of the effect of their behaviour on you.
- You may feel that it would be helpful to talk the incident/situation over with someone else first. This could be with a work colleague, your line manager, and or an Equality Ally, HR Advisor, or Trade Union Representative who can act either as a "listening ear" or give advice on measures which can be taken to resolve the situation.

Employee Support

We recognise that being the victim of unfair treatment, such as bullying and harassment, can be difficult for the recipient. In addition to the support provided by line managers, HR, etc, there is the additional option of contacting the Council's employee assistance/counselling service. This is a confidential service which can be accessed 24/7. Further information can be accessed here [Staff counselling service \(sharepoint.com\)](#):

Informal Action: Responsibility of Managers:

- The action required of a manager may vary depending on both how the situation is brought to their attention and what actions the employee wishes to take. An incident may be raised by the employee themselves, the colleague of an employee, an Equality Ally, a Trade Union Representative, HR Advisor, or the manager may witness an incident themselves.
- In all cases the manager should speak to their employee to ensure they are aware of this Policy and understands the steps to take.
- If an employee does not wish to make a formal complaint, the matter must be kept confidential, but it is advisable that the manager monitors the situation to ensure there is no repetition.

If you do not feel that you can resolve the issue informally, or attempts to do so have not been successful, then you can talk to your: Manager, An Equality Ally, HR or Trade Union representative about progressing to the formal procedure.

If you feel you have been the victim of harassment or bullying it is important that you make a written record of what was said and/or what happened as soon as possible after the incident. This can then be referred to if there is a subsequent repetition or you decide to raise the matter formally.

FORMAL PROCEDURE

If attempts to resolve an allegation of unfair treatment have been unsuccessful or if the allegation may constitute misconduct then the employee should proceed to the formal procedure by raising a [Grievance](#).

Where a manager believes that an incident constitutes a potential disciplinary offence, the manager may initiate an investigation in accordance with the [Disciplinary Procedure](#).

Where disciplinary action results from a Grievance Hearing, the Disciplinary Procedure may commence at Stage 1, or Stage 2 as appropriate as investigations will already have been carried out as part of the Grievance Procedure. The process in accordance with the Disciplinary Procedure should be followed from this stage.

During any stage of a formal Disciplinary/Grievance Procedure it may be necessary to minimise contact between the parties. Where possible, changing duties, work patterns, line management or location for either the perpetrator or the complainant should be considered.