

HR Employment Policy & Procedures

# Respect at Work Policy & Procedure

Implementation Date: September 2022

The behaviours outlined in the ACHIEVE Framework should be reflected in the application of this Policy.



## Document Management - Version Control

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<b>Rationale for introduction/Driver for change</b>	To provide employees with a standalone policy and process to raise any respect at work concerns and separating this process from all but the appeal processes of the Grievance Policy and Procedure		
<b>Summary of Substantive Changes (if applicable)</b>			
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<b>Lead Officer</b>	Strategic People & Change Manager		
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	Convenors		
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<b>Accompanying Documentation (incl. EIA)</b>	Accompanying guidance for managers and employees, as well as forms and template letters  Respect at Work Toolkit  EIA		

<b>Linked Policy, Schemes and Procedures</b>	<a href="#">Equality and Diversity in Employment</a> <a href="#">Grievance Policy and Procedure</a> <a href="#">Domestic Violence and Abuse Policy</a> <a href="#">Disciplinary Policy &amp; Procedure</a> <a href="#">Communicating Effectively</a> Equally Safe at Work Violence and Harassment Treaty
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# Respect at Work Policy

## 1. INTRODUCTION

- 1.1 In line with West Dunbartonshire Council's (WDC) People First Strategy, people and good people practice are at the heart of the organisation and all employees have a part to play in establishing and maintaining a culture of respect at all levels. A positive, people centred culture underpins employee wellbeing, is crucial to a positive working environment and an effective and productive workforce.
- 1.2 The Respect at Work Policy adopts the principle and commitment of the Violence and Harassment Treaty recognising "the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment".
- 1.3 Along with the implementation of the Respect at Work Policy, WDC will continue working towards the tiers identified on the Equally Safe at Work accreditation programme, which supports Scottish Local Authorities to progress gender equality in the workplace and prevent violence against women.
- 1.4 The Respect at Work Toolkit, which accompanies this policy and procedure defines the mental, emotional and physical behaviour that is considered to be unacceptable, namely bullying, harassment, discrimination and victimisation and confirms what is considered unacceptable behaviour. It is recognised these behaviours can have a significant impact on the mental and physical health of our people and can negatively impact on team morale and productivity which may bring a detrimental impact on service delivery. We will not tolerate these behaviours in our workplace or in our communities.
- 1.5 This policy and procedure sets out how to resolve any arising concerns promptly and constructively. The Respect at Work Toolkit outlines the standards of behaviour expected from everyone across the Council. The toolkit also provides information and support for employees who need to raise a concern and those who may have a concern raised against them.

## 2. SCOPE

- 2.1 This policy and procedure applies to Local Government Employees, Chief Officers and Quasi-Craft workers.
- 2.2 We recognise that there are situations where people work across two organisations (e.g. WDC and the NHS). Both employers have complimentary policies which promote respect at work and a zero tolerance towards bullying, harassment, discrimination, victimisation and violence in the workplace.
- 2.3 The standards of this policy and procedure are also applicable to workers and contractors undertaking work for the Council and any concerns raised in

relation to their behaviour will be addressed with the employing organisation. Conversely the Council will address any concerns raised by the workers and contracting organisations in relation to its' own employees.

**2.4** The Council will ensure that good equal opportunities practice underpins the operation of this policy and it will apply to all employees irrespective of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

**2.5** Matters that are already being dealt with in line with other council policies (with relevant appeals processes) will not be eligible for consideration under this policy. This policy should not be used to revisit concerns that are already being dealt with through another process with a separate complaint and appeal procedure, e.g.

- Disciplinary Policy and Procedure
- Internal Disputes Resolution Procedure
- Grievance Policy and Procedure
- Supporting Employee Performance Policy and Procedure

### **3. KEY PRINCIPLES**

**3.1** West Dunbartonshire Council is committed to:

- Promoting an environment and ethos that supports all employees enjoying and being entitled to respect at work;
- Promoting an environment that encourages and enables all employees to be responsible and accountable for their actions and behaviours;
- A zero tolerance approach to bullying, harassment, discrimination and victimisation;
- Providing a fair and consistent framework to enable employees to raise concerns regarding respect at work;
- Seeking early resolution of these concerns through joint working and the adoption of appropriate tools including mediation thereby developing enduring, productive and respectful workplace relationships;
- Adopting an approach that encourages all employee to develop self-awareness and empathy
- Investigating respect at work concerns raised by employees;
- Providing a justified outcome to employees and taking appropriate action; and
- Providing employees with the right of appeal.

### **4. APPLICATION OF POLICY AND PROCEDURE**

**4.1** This policy is aimed at resolving employee concerns at the earliest possible point related to bullying, harassment, discrimination or victimisation and may dovetail as appropriate into other Council policies e.g. Disciplinary Policy.

- 4.2** There will be times when an employee may have to be spoken to by their line manager regarding their performance or conduct. The expectation is that such conversations will be handled in a supportive way with dignity and respect. Legitimate, constructive and fair feedback will not be considered an appropriate concern that can be progressed under this policy. More information on this can be found in the accompanying toolkit.
- 4.3** This policy seeks to support employees in resolving matters informally in the first instance, where it is appropriate to do so. Situations can arise in the workplace where harm is un-intentionally caused to employees by the actions or behaviours of others and in order to secure a fair, just and restorative outcome, those concerned can often benefit from open and honest discussions to identify a mutually acceptable way forward, thereby preserving productive and respectful relationships in the workplace.
- 4.4** Regrettably there be may occasions when it is clear that harm caused by an employee's behaviours and/or actions is so significant that informal resolution is not appropriate. For instance, physically violent, threatening or bullying behaviour is explicitly deemed gross misconduct in the Disciplinary Policy. WDC has a zero tolerance approach to such behaviours. Therefore, any concerns raised of this nature would move straight to the Disciplinary Procedure.

## **5. RESPONSIBILITIES**

- 5.1** In order to ensure the fair and consistent application of the policy and procedure, all parties have responsibilities to:
- Adhere to the standards and procedure set out in the policy
  - Raise concerns quickly and seek to resolve issues informally
  - Co-operate in all attempts to resolve any matters
  - Work in partnership throughout the Respect at Work Procedure to achieve a positive outcome.
- 5.2** Human Resources (HR) will support managers by providing advice and guidance on the application of the policy.
- 5.3** Trades Unions will work within the procedures set out in the policy to provide support and guidance to their members.
- 5.4** Managers will keep a confidential file containing all relevant information. The case file should include:-
- The written respect at work concerns (and any subsequent appeal notifications)
  - Meeting Invitation Letters
  - Meeting Records (agreed and signed by the employee)
  - Investigation Reports

- Outcome Letters (including the rationale for decisions)

Managers are also responsible for implementing and monitoring any recommended outcomes and formal action plans.

- 5.5** Respect at Work concerns will be treated with the highest degree of confidentiality by everyone involved in the process. Records will be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 2018, GDPR and WDC's Retention Schedule.

## **6. SCHEME OF DELEGATION**

- 6.1** Chief Officers / HSCP Heads of Service have delegated responsibility for ensuring the consistent application of the Respect at Work procedure within their service areas. Note from time to time, a senior officer may be required to consider cases from another service area. Appendix 2 provides the Scheme of Delegation which identifies the level of Officer authorised to deal with Respect at Work Concerns at each stage.

## **7. RIGHT TO BE REPRESENTED/ACCOMPANIED AT FORMAL RESOLUTION MEETINGS**

- 7.1** Employees have the right to be accompanied at the formal resolution meeting by a companion, who may be:

- a fellow worker
- a trade union representative who has been certified by their trade union as being competent to accompany a worker
- an official employed by a trade union

- 7.2** **Every effort should be made by the employee to ensure their chosen companion is able to attend the scheduled meeting so that the meeting can take place within a reasonable timescale.** This may require the employee to seek an alternative companion. If the companion cannot attend on a proposed date, the employee can suggest an alternative date and time so long as it is reasonable and is not more than 5 working days after the original date.

- 7.3** The role of the companion is primarily to support the employee and they may address the meeting on behalf of the employee, putting forward and summing up the employee's case, and to confer with the employee during the meeting.

## **8. REVIEW AND MONITORING**



**8.1** This Policy will be updated to incorporate any relevant legislative change or best practice as required.

# **Respect at Work Procedure**

## **1. INTRODUCTION**

- 1.1 This procedure outlines the process to be undertaken when dealing with respect at work concerns,
- 1.2 Each stage of the respect at work procedure should be dealt with within the timescales detailed at Appendix 1.

## **2. INFORMAL RESOLUTION**

- 2.1 In most cases raising matters early is more likely to lead to a positive outcome and employees are therefore encouraged to speak up and act on concerns as they arise. In the first instance informal resolution is recommended however informal resolutions rely on both parties being willing to engage in the resolution process. Employees can raise and address respect at work concerns informally in a number of ways.

### **2.2 Face to face discussion**

We want people to feel able to raise issues informally in the first instance. Anyone who has experienced unacceptable behaviour should, where they feel able to, raise it with the other party informally at the earliest opportunity, giving specific examples of the unwanted behaviour, explaining how this has made them feel and what they would like to see change

The aim is for individuals to make it clear how this behaviour has affected them, and for both parties to agree a constructive way of working together in the future. An informal discussion can be particularly useful in cases where the other party is genuinely unaware of the effect of their behaviour. In many cases this direct and honest conversation is enough to resolve an issue.

### **2.3 Facilitated discussion**

If employees do not feel able to approach the other party they should speak to their line manager or a HR Adviser who can arrange a facilitated discussion between both parties. In this discussion the facilitator will act in a neutral capacity - their role is to prompt both parties to discuss the issue and agree a constructive way forward. This will be a confidential discussion between those present only. The main concerns and agreed outcomes will be recorded for the understanding of the parties involved only as this remains an informal process

### **2.4 Raising concerns in writing**

Where employees do not feel able to speak to someone face to face they can raise their concerns in writing, for example in a letter or an email. The aim of their message should be clear in terms of outlining what their concerns are, how a person's behaviour has affected them and how they would like to see this change going forward. This written message will be followed up with a facilitated discussion with a facilitator to allow both parties to talk about the concern and agree a way forward. Employees should speak to a line manager or HR to arrange this. Any facilitated discussion can only be successful where both parties are genuinely willing to engage with the process.

## **2.5 Mediation**

Mediation can be very effective when dealing with incidents of bullying and harassment. Mediation is undertaken voluntarily with both parties agreeing to participate. It is particularly useful where there are issues with a working relationship. A trained mediator will facilitate discussions and guide the participants to reach an agreed way forward e.g. to agree more productive and appropriate ways of working together in the future. Mediation can only be successful where both parties are genuinely willing to engage with the process. Either party may suggest that mediation is undertaken at any stage in the process. Where both parties agree to engage in mediation they should contact Strategic HR to arrange this.

## **3. FORMAL RESOLUTION**

**3.1** The formal resolution stage will usually be applied when either:

- An informal discussion has not resolved the issue (e.g. the other party denies behaving inappropriately, does not change their behaviour or is unwilling to engage in informal resolution options), or
- The alleged behaviour is so serious that it warrants moving straight to a formal investigation (e.g. serious persistent bullying or incidents of discrimination). Please note that incidents of physical abuse would be dealt with as a conduct issue under the Disciplinary Policy & Procedure, rather than via the Respect at Work Policy. Note that individual cases considered under the respect at work policy may also progress to disciplinary.

**3.2** Employees should raise the matter with a Line Manager (either verbally or in writing) outlining the alleged behaviour and its impact on them. If the Line Manager is the subject of the allegations, employees should raise the issue with the next level of Line Manager. Any employees who feel they cannot do this for any reason, should approach a HR Advisor.

During the formal resolution process, dependent on the nature and circumstances of the concerns raised and whether all parties are willing, it may be more conducive to revert back to the informal process.

### **3.3 Formal Resolution Meeting**

An appropriate and skilled manager (referred to as the Independent Manager) will be appointed, by a Chief Officer/(HSCP) Head of Service or other Nominated Manager, to meet with the employee(s) and carry out a formal resolution meeting, supported by a member of the Strategic HR team.

Employees are entitled to be accompanied during the formal resolution meetings. Where a situation involves a group of employees the independent manager will speak to each of the people involved. All parties will be advised that if it transpires that there is evidence to suggest that inappropriate behaviour or conduct has occurred, the matter may be taken forward under the Council's Disciplinary Policy & Procedure.

### **3.4 Formal Investigation**

An Investigation will be carried out in line with the processes set out in WDC's Fact Finding Investigations Guidance by the Independent Manager.

As part of this process there may be occasion when the Independent Manager asks to meet with an individual(s) more than once, before concluding their investigation, particularly when further allegations/information come to light. In this case they will set out the specific additional allegations in writing and invite the employee(s) to a further meeting where they have the right to be accompanied by a colleague or trade union representative and will be given every opportunity to respond to the allegations made.

Every effort will be made to complete the investigation as soon as possible after a concern has been raised. Once the investigation process is concluded, the Independent Manager will present their findings to the Chief Officer/(HSCP) Head of Service or other Nominated Officer, who will make a decision as to whether there is a disciplinary case to answer.

### **3.5 Possible Outcomes**

There are a number of possible comes to the investigation process as outlined below.

#### **3.5.1 No evidence of inappropriate behaviour:**

On reviewing the Independent Manager's investigation report and

findings, if no evidence is found of inappropriate conduct the Chief Officer/(HSCP) Head of Service or other Nominated Officer will explain this finding and the rationale for this conclusion to all parties.

### **3.5.2 Inappropriate conduct requiring action short of disciplinary**

If evidence of inappropriate conduct is apparent and where the behaviour needs to change but disciplinary action is not considered to be appropriate, the Chief Officer/(HSCP) Head of Service or other Nominated Officer will meet with the individual/s to discuss the outcomes and issue an Action Plan setting out any expectations in relation to future actions, behaviour standards and what needs to change. This will be monitored by their line manager to ensure that the issue does not recur. Any further incidences of related inappropriate behaviour are likely to lead to disciplinary action.

### **3.5.3 Evidence of inappropriate behaviour**

Following the investigation if the Chief Officer/ (HSCP) Head of Service or other Nominated Officer concludes there is evidence to suggest inappropriate behaviour has occurred and that this behaviour would normally be in breach of the Council's Code of Conduct, they will advise all parties that the process will then be taken forward under the Disciplinary Policy to be considered at a Disciplinary hearing. Full details of the Disciplinary Policy can be found [here](#).

- 3.6** The Independent Manager will meet with those involved/all parties separately to outline the findings of the investigation and where appropriate, the next stages in the process and to advise what action, if any, has been recommended to move forward, at a Formal Resolution Outcome meeting. Where an investigation involves a group of people the Independent Manager will address the behaviour of each individual separately.

The Independent Manager will then write to all parties to confirm the outcome and any actions or follow up agreed.

## **4. APPEAL**

- 4.1** The employee who raised a Respect at Work concern has a right to appeal the outcome of the formal resolution within 10 working days of receiving the outcome in writing. The purpose of the appeal is to determine whether the formal resolution stage was followed correctly, and whether the outcome was reasonable in all of the circumstances.
- 4.2** The appeal process will link to the Grievance Policy & Procedure at Stage 2. The appeal must clearly state the grounds for the appeal.
- 4.3** In respect of the employee/s about whom the concern was raised, the right of appeal in relation to the formal action plan issued will be considered through

the Disciplinary Policy & Procedure at appeal stage and should be made within 10 working days of receiving the outcome in writing. The right of appeal against formal disciplinary action is also available through the Disciplinary Policy & Procedure.

## Appendix 1

### TIMESCALES FOR RESPECT AT WORK PROCESS

It is important that, insofar as is possible, all parties should adhere to the required time-scales set out in this Respect at Work Policy and Procedure, and in particular that no party(ies) should cause there to be undue delay in any concerns being heard at any stage(s) of the procedure.

Person	Action	Timescale (working days) within:
	<b>INFORMAL PROCESS</b>	
Employee	Raise a respect at work concern informally	As soon as possible
Line Manager	Respond to informal respect at work concern	5 days
	<b>FORMAL PROCESS</b>	
Employee	Raise the respect at work concern formally	As soon as possible
Independent Manager	Formal Resolution Meeting	10 days
Independent Manager	Outcome of Formal Resolution Meeting	28 days
Independent Manager	Notification of outcome in writing	5 days
Employee	If progressing to an Appeal	As soon as possible but within 10 days
Appropriate Manager	Stage 2 Grievance Procedure <a href="https://intranet.west-dunbarton.gov.uk/people-technology/hr-online/core-employment-policies/grievance/#policy-and-procedure">https://intranet.west-dunbarton.gov.uk/people-technology/hr-online/core-employment-policies/grievance/#policy-and-procedure</a>	10 Days

## Appendix 2

### SCHEME OF DELEGATION

#### AUTHORITY TO TAKE ACTION FOR RESPECTAT WORK RESOLUTION MEETINGS

<b>Level of Action</b>	<b>Employees Grade 1-8 and Craft Workers</b>	<b>Section Head Grades 9-10</b>	<b>Service Managers Grades 11-12</b>
Informal	Line Manager	Line Manager	Line Manager
Formal Resolution	Line Manager's Manager or equivalent level Manager	Line Manager's Manager or equivalent level Manager	Service Manager
Appeal	Service Manager or equivalent level Manager or Chief Officer / HSCP Head of Service	Service Manager or equivalent level Manager or Chief Officer / HSCP Head of Service	Service Manager or equivalent level Manager or Chief Officer / HSCP Head of Service

This list is for illustrative purposes and levels may be changed to reflect structural arrangements.

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