



Managers Guide to Dignity at Work

Human Resources & Organisational Development

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Supporting Documents

Dignity at Work Policy
 Dignity at Work Procedure
 Dignity at Work Flowchart
 Dignity at Work FAQs
 Guidance on Mediation

Managers Guide to Dignity at Work

1. Introduction

This document supports the Council's Dignity at Work (Anti-Bullying & Harassment) Policy and Procedures and provides guidance for managers on their specific roles and responsibilities under the policy in promoting high standards of conduct and in dealing with any issues or complaints that arise in the workplace.

2. Manager's Responsibilities

Under the Dignity at Work (Anti-Bullying & Harassment) Policy it is your responsibility to:

- Implement and champion the Dignity at Work policy and ensure that employees have access to a copy of the Policy and are aware of their responsibilities under the policy
- Ensure that the work environment is positive, non-threatening and supportive
- Challenge inappropriate behaviour, language, bullying or harassment
- Act as a role model and behave in a way which does not harass/bully/victimise another person
- Treat all complaints seriously, sensitively and confidentially.
- Participate and engage in training on the Council's policy and best practice

3. What can you do to prevent harassment and bullying?

You must make every effort to ensure that harassment and bullying do not occur, particularly in work areas for which you are responsible by:

- Leading by good example
- Creating a non-offensive working environment
- Maintaining regular communication with team members and direct reports so that there is the opportunity for them to discuss any issues of concern
- Being alert to, and correcting, unacceptable behaviour, particular workplace banter where one or two people may be the butt of colleagues jokes and well-intended humour but which may become tiresome and wearing after a while
- Reviewing and amending workplace practices where appropriate
- Enabling employees to access training on diversity/dignity issues
- Ensuring employees know how to raise harassment and bullying and victimisation complaints
- Dealing with any complaints sensitively and fairly, and in accordance with the Council's policy.

4. How to deal with a complaint

4.1 Informal Approach

If you are approached by an employee who believes that they are being harassed or bullied, or someone approaches you on their behalf, you should not ignore the situation.

Dealing with the issue promptly may mean that it can be dealt with informally and resolved, minimising the personal stress on individuals and likely disruption to working relationships and the negative effect that bullying or harassment will inevitably have on performance and productivity.

There are a number of steps for you to take:

1. Establish the facts:

- Listen to the employee
- What is the nature of the complaint?
- If this is the first incident or if there have been others?
- If there are any witnesses to the incident(s)?
- If they have kept a record of what has been happening to them?
- Whether or not they have asked the individual they are complaining about to stop whatever it is that they are doing?
- How they wish to proceed?

Where appropriate you should talk the employee through the Dignity at Work policy and procedure and advise them of the options open to them, including support available. You can also seek advice from Human Resources on a confidential basis.

2. Decide together on the next step

There are 3 options

- Agree to talk to the alleged harasser (informal)
- Agree to talk together to the alleged harasser (informal)
- Deal with the matter under the Grievance Procedure (formal)

As the manager you can be guided by how the employee making the complaint wants to proceed i.e. formally or informally. In many cases an employee will simply wish the behaviour that is causing offence or upset to stop. The Council's policy is to resolve matters informally where possible.

However, if an issue is raised that you feel is so serious (for example, sexual or racial harassment, serious misconduct or potential criminal conduct,) then you would need to advise the employee that an informal approach is not appropriate and therefore formal action needs to be taken. You should seek advice from Human Resources in those circumstances.

If you decide to speak to the alleged harasser/bully informally you should:

- Explain your role in attempting to deal with the matter informally
- Advise them of the nature of the complaint and that their behaviour or conduct towards a fellow employee is causing distress
- Try to facilitate a resolution to the problem regarding future working arrangements.

At this initial stage witnesses should not be called.

A record of the incident, the discussions that have taken place and the desired outcome should be kept as this may be used as evidence if the situation cannot be resolved informally.

All parties are entitled to be provided with a copy of the note/summary of outcome.

It is important that the situation is monitored carefully in order to ensure that there is no subsequent harassment/bullying, and that neither the complainant nor the person complained about is victimised or ostracised in any way.

4.2 Formal Approach

Where it has not been possible to resolve the matter in this way, or if you feel that the allegations are of such a serious nature, the matter should be dealt with under the Council's Grievance Procedure.

If you as the line manager have been involved in trying to resolve the matter informally you would not be the nominated manager to deal with the grievance at the formal stage.

5. Do I need to wait until someone makes a formal complaint before I tackle a suspected issue of bullying within my team?

No. Issues of bullying and harassment are best resolved if they can be dealt with promptly. Do not wait until conditions become intolerable, or a person's well-being is put in jeopardy.

Anyone who sees bullying or harassment happening in their area has a responsibility to take action. Action does not necessarily need to be formal and it is possible to bring a complaint forward if you witness harassment or bullying but haven't been directly involved

6. What to do if you witness unacceptable behaviour

If you witness behaviour which you think is unacceptable, do not ignore it.

You should:

- Inform those involved that the behaviour is unacceptable and why
- Insist that the behaviour stops.
- Discuss for learning why the behaviour is unacceptable

The inaction of a witness, particularly one in a more senior role, could be construed as silent agreement or support for the alleged bully or harasser.

A manager's role is to ensure that standards of behaviour in the workplace comply with the Council's standards and expectations.

Should a claim be made at Employment Tribunal, a manager may be called to give evidence. You could be in a difficult position if a complaint of bullying or harassment is upheld and you have not complied with the organisation's obligations for a duty of care to the employee.

7. What can I do to promote a positive environment in my team?

You must consider your own behaviour and lead by example.

Raise awareness of the Dignity at Work Policy within your team. This will send out a positive message that you take issues of bullying, harassment and victimisation seriously. Ensure all members of the team have undertaken the e-learning and other training available.

The Council recognises that it is often an important part of working life for there to be some fun, humour, in-jokes and light-hearted interaction or forms of 'banter' between colleagues in the workplace. This is a feature of social interaction and team dynamics and often assists in creating a happy and productive workplace. The Dignity at Work policy does not seek to discourage this.

However, inappropriate or misplaced banter can be perceived very differently by individuals - as a bit of harmless fun by some or very offensive by others, or somewhere in between. It can, therefore, be very awkward to deal with and if it is perceived as offensive, it can lead to complaints of harassment or bullying.

As a manager you must be aware of language, attitudes or behaviour that may offend others. You must address inappropriate exchanges that could violate a person's dignity. Comments or behaviour that relate to race, ethnic origin, gender, marital or parental status, sexual orientation, religion, disability, age, political belief or union membership are most likely to be irrelevant in a work context, so avoid making them.

Similarly, you should be aware of any regular workplace discussions between colleagues about non-work related issues upon which individuals may hold strong but differing opinions to ensure that they do not escalate, have the potential to cause offence or become a source of tension amongst colleagues. Such matters are always best nipped in the bud.

8. Being aware of employees who may be suffering from harassment or bullying

It cannot be assumed that harassment or bullying is not a problem just because there have not been any complaints. Victims of harassment/bullying may often be too embarrassed or too fearful to make a complaint.

Most people do not want to draw attention to the situation; they just want the harassment or bullying to stop.

It may be that staff who are being harassed or bullied feel that there is no point in making a complaint as:

- It would not be taken seriously
- They do not want the harasser or bully to get into serious trouble
- They are afraid of reprisals.

Harassment/bullying affects different people in different ways, but even low level problems have the potential to make the most resilient people unhappy and unproductive.

Some of the signs may include;

- A change in behaviour, e.g. a lack of concentration, becoming withdrawn, depressed, and/or emotional
- Higher levels of sickness
- Poor work output, motivation or productivity
- Physical signs such as stomach aches, headaches or sleeping difficulties.
- Bingeing on food, alcohol or cigarettes.

If you are concerned that there may be a problem, it may be appropriate to approach the employee to establish what the problem is. The employee may welcome the opportunity to share their concerns. On the other hand, they may be reluctant to tell their line manager what has happened, especially where the harasser/bully is a more senior member of staff.

Let the employee know that if there is a problem you are there to support them.

It is important not to question victims intently or ask anything that might make them feel that they've done something wrong.

9. Could you be a workplace harasser/bully?

Do you:

- Use language which is insensitive or insulting?
- Single out employees for unwarranted or public criticism?
- Deal with team members inconsistently?

- Only manage performance or outputs for certain team members?
- Use aggressive behaviour or threats to get your point across?
- Pass on your own stress and pressures to people who work for you?
- Stand too close to people or make physical contact with them?
- Place constant excessive demands on employees?
- Set employees unrealistic work targets?
- Withhold access to appropriate development opportunities for employees?
- Voice strong personal beliefs that could make others feel uncomfortable.

10. What to do if your own behaviour is challenged?

Informal

As a manager, your behaviour may be challenged by the individual themselves, with someone else to support them or by someone on their behalf.

This can be very difficult and hurtful. However, it is important not to become too defensive, or aggressive, but to reflect on what has been said.

You should ask the complainant:

- What is it about your behaviour that is causing them concern?
- Why do they feel your behaviour is unacceptable?
- What is it that they wish you to do, or stop doing, to resolve the matter?

It may be the case that you do not feel that your behaviour is unacceptable. However, it is important, having discussed this with the person making the complaint, to try to reach a resolution to the problem and resume a professional working relationship.

If you feel the accusation is justified be prepared to apologise, review and amend your behaviour.

Formal

If a formal grievance is submitted against you, you will be informed of this.

Quite often this may not be a complete surprise to a manager as it is rare for a grievance to be submitted without there being some history to the issue.

Depending on the nature of the complaint the matter will be dealt with under the Council's Disciplinary or Grievance Procedure.

As above, this is likely to be very difficult and upsetting for you. Whilst you may naturally feel the complaint is unwarranted or without foundation, remember that the Council has a duty to investigate complaints and establish the facts. Doing so does not indicate any assumption of guilt.

You will be given the full opportunity to explain your version of events and provide any information that you feel is relevant. You will also be entitled to be represented at meetings by a colleague or trade union representative.

You can also seek support from Human Resources, your Trade Union, the Employee Assistance Programme and Dignity at Work Advisors.

The Council will need to consider what working arrangements should be put in place whilst the complaint is investigated. This is in the interests of the Council and all parties concerned.

11. How to manage performance without being accused of bullying

Managers have a right to discharge managerial duties. In doing so you may need to challenge employees and discuss their performance and behaviour. This is acceptable providing that employees are not demeaned, devalued or intimidated in the process.

All those with the responsibility for managing staff have a responsibility to manage their staff in a consistent and reasonable way, issue reasonable instructions and expect them to be carried out.

The legitimate supervision of staff should be distinguished from harassing and bullying behaviour.

When addressing performance, you should be able to provide as much clear and quantifiable evidence as possible of the performance issues that are causing concern and where possible, evidence that the employee was aware of the standards, behaviours or accountabilities that were required so that the shortfall in performance can be clearly demonstrated.

The manner and style of approach in communication is also key to managing this successfully. You need to be particularly careful when delivering negative feedback, for example where an employee has made a mistake in their work. Feedback will be essential to help the employee to understand what they have done that is unsatisfactory, why it is unsatisfactory and how to put matters right for the future. Giving balanced critique is part of every manager's job but it is important to ensure that it is delivered in a way that is constructive, not destructive.

Here are some examples of what to say and what not to say when seeking to address performance issues constructively:

Don't say	Do say
You're always making mistakes.	There are three mistakes in this piece of work.
You tend to shout at people.	I noticed at last week's meeting that you shouted somewhat aggressively at Jim when he ...
You're hopeless - you never meet your deadlines.	You've missed the monthly deadline six times this year so far, on each occasion by at least two days.
You're very aggressive.	I appreciate that you may not realise this, but sometimes your tone and manner come across to others as aggressive. For example ...
Your work is not up to scratch. You'll have to pull your socks up.	This piece of work falls short of the standard we require because ...
You're lazy. I can't ever rely on you to complete a piece of work.	It has been brought to my attention that you have not completed ...
You have a poor attitude towards the rest of the staff.	What do you think you could do to improve your working relationship with your colleagues?

If you are managing the issue of under-performance in your team, support can be provided by Human Resources.

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