

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2016-2017**

**PUBLIC SERVICE DELIVERY,  
COMMUNITIES AND PROSPERITY  
SCRUTINY COMMITTEE**

**Date: 5<sup>TH</sup> SEPTEMBER 2016**

**REPORT OF:  
DIRECTOR OF HUMAN  
RESOURCES**

**Agenda Item No. 7**

**HUMAN RESOURCE POLICIES**

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**1. PURPOSE OF THE REPORT**

The purpose of the report is to provide the Public Service Delivery, Communities and Prosperity Scrutiny Committee with information on the Council's Human Resource Policies and to seek views from the Committee, on the two policies presented in the attached appendices.

**2. RECOMMENDATIONS**

It is recommended that Members:

- 2.1 Note the content of the report;
- 2.2 Consider whether they wish to scrutinise in greater depth any matters contained in the report;
- 2.3 Where deemed appropriate, propose actions for improvement to the Human Resource Policies presented.

**3. BACKGROUND**

- 3.1 At the last meeting of this Committee held on the 4<sup>th</sup> July, 2016, Members wished to undertake pre scrutiny of HR Policies and the Maximising Attendance initiative.

- 3.2 Prior to considering the matter of the Council's Human Resource policies, I would advise Members that in regard to the Maximising Attendance initiative, following the review back in 2015, a revised Absence Management Policy was introduced across the Council from September 2015. As part of the launch at the time, all managers attended briefing sessions and were required to undertake e-learning modules on the revised absence model.
- 3.3 In terms of any scrutiny of the revised Absence Management Policy, I would further advise Members that the Council's Internal Audit section is currently in the process of undertaking an audit of the impact of the new Absence Management Policy across the Council picking up any compliance issues. The outcome of the review by audit will then be presented to Members at a future date.

#### **4. HUMAN RESOURCE POLICIES**

- 4.1 The Council's Human Resource policies are regularly reviewed in light of any changes within the European or UK legislative frameworks or as a consequence of any procedural matters that come to light during their operation.
- 4.2 Any proposed changes to the Council's existing policies are subsequently consulted upon with the recognised trade unions before they are implemented. This equally applies to the creation of any new policy.
- 4.3 As a consequence of the recent Welsh Language measures, the vast majority of Human Resource policies have recently been updated and will be implemented during September 2016. However there are two policies that in addition to incorporating the Welsh Language measures are also now in need of a formal review and these are presented to Members in section 5 of the report below.

#### **5. THE REVIEW PROCESS**

- 5.1 The Human Resource review team have only recently commenced a review of the Council's Dignity at Work and Grievance policies. Copies of both policies are shown at Appendices 1 and 2 for Members consideration.
- 5.2 The review is at a very early stage but some of the initial thoughts from the group include:
- Amending the current four formal stages in the Grievance policy to three stages i.e. informal, formal and Appeal,

- Reviewing the Grievance Policy to include the option of mediation at the same stages as the Dignity at Work Policy,
- Reviewing the Grievance policy to provide more information about process aims and objectives,
- Merging both documents into one policy.

5.3 However, as this review is at such an early stage of the process, the review group would very much appreciate any views and suggestions from the Committee on how the two policies could be amended moving forward.

## 6. **CONCLUSION**

6.1 In terms of finalising the review process, should Members of the Committee have any views or suggestions on the amendment of the policies listed, please could they be forward by email to [Richard.J.Evans@rctcbc.gov.uk](mailto:Richard.J.Evans@rctcbc.gov.uk) .

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Version	5
Last Revision Date	February 2015



## Dignity at Work Policy

<b>DOCUMENT CONTROL</b>	
<b>POLICY NAME</b>	<b>Dignity at Work Policy</b>
Department	Human Resources
Telephone Number	01443 424075
Initial Policy Launch Date	May 2007
Reviewing Officer	Dilys Jouvenat
Review Date	Annually
Date of Equality Impact Assessment	17 <sup>th</sup> December 2009 Screened September 2012
<b>REVISION HISTORY</b>	
Date	Revised By
November 2009	Dilys Jouvenat
May 2011	Dilys Jouvenat
September 2012	Dilys Jouvenat
March 2015	Michelle Lindley
<b>DOCUMENT APPROVAL</b>	
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Corporate Management Team	
Cabinet	

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1. **AIM**

Rhondda Cynon Taf Council is committed to promoting equal opportunities at work. As part of this overall aim, this policy sets out how the Council will promote dignity at work for all employees. The Council is committed to promoting a workplace culture whereby all employees feel valued and respected at work, and where nobody is expected to work in fear of prejudice, discrimination or harassment.

The Council will not tolerate any form of bullying or harassment at work. Where any such behaviour is found to occur within Rhondda Cynon Taf Council, the procedures outlined in the policy will be followed so that the behaviour is correctly dealt with and prevented from reoccurring.

2. **THE COUNCIL'S APPROACH TO DIGNITY AT WORK**

The Council will deal promptly and sensitively with any reported cases of harassment or bullying at work and will act in a supportive manner to anyone who brings a complaint of harassment to a manager's attention, whether this be the victim or any other person.

We recognise that what may appear to be harassment to one person, may not appear so to another. However, we recognise that victims are able to judge for themselves whether they feel harassment is occurring and all cases will be investigated fairly. The important factor is how the victim or any other person perceives the situation, not whether the situation is *intended* to cause offence.

The Council will not tolerate any form of victimisation, meaning that no employee will be treated unfairly because they have made a complaint or intend to make a complaint of harassment involving themselves or any other person. In all cases the Council's aim is to eliminate unwanted behaviour with the intention of promoting dignity at work for all employees.

Where contravention of the Dignity at Work Policy is proven disciplinary action will be taken which may include the ultimate sanction of dismissal

3. **DEFINITION**

**By 'dignity at work', the Council means that everyone has a right to be treated with dignity and respect at work and to work without fear of harassment from their work colleagues.**



Under the Equality Act 2010 Harassment occurs when:

A person engages in unwanted conduct which is related to a relevant protected characteristic and which has the purpose or effect of:

- Violating the employees dignity or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that employee

The employee does not have to have the protected characteristic themselves but could be connected to someone who has, such as a parent of a disabled child or may be wrongly perceived as having a protected characteristic such as an assumption being made that a Sikh employee who wears a Turban is Muslim and subjecting them to Islamophobic abuse.

It is the individual who defines whether the behaviour makes them feel uncomfortable and an employee can complain about harassment even if it is not directed at them personally, for example if a colleague is being harassed.

Relevant protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or Belief
- Sex
- Sexual Orientation

We also recognise that people can experience harassment that is not related to any particular protected characteristic, but can be experienced as workplace bullying. Any unwelcome behaviour based on any of these grounds will not be tolerated.

#### **4. EFFECTS OF HARASSMENT**

Harassment or bullying behaviour has serious and negative consequences for victims and their colleagues. Examples of these effects include:

- Low morale
- Increased anxiety and stress related illness
- Feeling powerless or isolated
- Loss of confidence and self esteem
- Higher absence rates
- Reduction in work productivity

It is therefore in everyone's interest to ensure that harassment at work is dealt with as soon as it is reported. The Council recognises that it has a duty of care to its employees and needs to respond promptly to any incidents that may lead to the above occurring.

## **5. TYPES OF HARASSMENT**

Bullying and harassment can take many forms. Harassment, intimidation or victimisation at work can be verbal, written or physical; overt or subtle; occur over a period of time or just be one occasion. Bullying is persistent action and can often occur through abuse of power or position. The following are examples of the different types of harassment and bullying behaviour that may occur, none of which will be tolerated:

### **Examples of Bullying Behaviour**

- Using aggressive, threatening or intimidating language or behaviour
- Belittling or undermining employees in front of others
- Excessive supervision and monitoring
- Setting unrealistic objectives and targets
- Withholding information from an employee or intentionally excluding them
- Picking on one person when there is a wider problem

### **Examples of Sexual Harassment and Harassment because of Gender or Gender Identity**

- Displaying physical behaviour of an unacceptable nature, such as close personal contact, unwelcome advances or sexually suggestive gestures
- Using sexist or inappropriate language such as suggestive remarks, innuendos or obscene comments
- The display, storage or sharing of pornographic or sexually suggestive pictures or other materials
- Using language that ridicules, intimidates or abuses an individual because of their gender or gender identity, such as degrading remarks or insults, or offensive comments about appearance or dress
- Use of offensive language or behaviour aimed at transgender employees
- Unfair treatment based on gender, such as promotion being dependent on sexual favours, or promotion being withheld because of negative stereotypical assumptions based on gender.

### **Examples of Racial Harassment**

- Use of racist words or derogatory or degrading language aimed at people from ethnic minority groups
- Use of racist jokes or banter
- Use of stereotypical nicknames based on ethnic background
- The display, storage or sharing of racially offensive pictures or materials
- Unfair treatment based on racial background, such as promotion or training being withheld because of negative assumptions about race.

### **Examples of Disability Harassment**

- Use of offensive language or behaviour aimed at a disabled person
- Behaving in a patronising way towards a disabled person due to negative stereotypical views about disability
- Asking invasive, personal questions about someone's disability
- Communicating negative and offensive assumptions about disabled people, such as the view that disabled people do not have a social life or that a disabled person will be less capable of doing their work
- Unfair treatment based on disability, such as promotion opportunities being withheld because of negative assumptions about disabled people.

### **Examples of Sexual Orientation Harassment**

- Treating someone in an offensive, abusive or exclusionary way because of their sexuality
- Questioning someone about their sexuality, perceived sexuality or private life, or gossiping or speculating with others about someone's sexuality
- Using homophobic language, joking or banter, or expressing negative stereotypical views about gay, lesbian or bisexual people
- Disclosing someone's sexuality ('outing' someone) at work
- Insinuating that orientation towards the same sex is abnormal.

## **Examples of Age Harassment**

- Using ageist language or treating someone in an offensive way because of their age or perceived age
- Insinuating that someone is ‘too old’ or ‘too young’ to be able to undertake certain duties or participate in certain activities, or that they will be less likely to deliver effective outcomes
- Using patronising language when speaking to someone considered to be ‘old’ or ‘young’
- Insinuating that older people are less likely to be able to adapt to or cope with change
- Unfair treatment based on age, such as refusing training requests for an older employee

## **Examples of Religion or Belief Harassment**

- Using derogatory comments relating to someone’s religious or deeply held beliefs
- Making fun of clothing or jewellery worn for religious reasons
- Belittling a person because they are committed to a cause
- Using offensive or joking language to refer to important figures within a persons belief system
- The display, storage or sharing of offensive pictures or materials relating to religious or philosophical beliefs
- Putting persistent pressure on colleagues to take on the same religious or philosophical beliefs

The above are examples only and are not the only possible ways in which harassment or bullying can occur at work.

Overall, the Council recognises that all employees have the right to be accepted at work and the right to feel comfortable in their social surroundings. We do not expect colleagues to tolerate behaviour from others that makes them feel unduly uncomfortable or to feel that their dignity is compromised in any way.

## **6. LANGUAGE**

The Council recognises that everyone has the right to be spoken to with respect and to work without listening to abusive or discriminatory comments.

Council employees must refrain from using abusive or threatening language, including use of jokes or comments that perpetuate discrimination or have negative connotations about people or their lifestyles.

## **7. DEALING WITH HARASSMENT**

The Chief Executive, Directors, Heads of Service and all managers have the responsibility of leading by example. They are therefore required to communicate the message of the Dignity at Work Policy to employees, ensuring that others understand that bullying and harassment will not be accepted within the Council and that disciplinary action up to and including dismissal will be taken if it is found to occur.

The appropriate procedure to be taken when any complaint of harassment is received is outlined in the section entitled 'Contravention of the Dignity at Work Policy'.

In all cases of alleged or actual bullying or harassment, the outcome the Council aims for is that harassment stops and does not reoccur.

## **8. CONCLUSION**

The Council values the diversity that exists among its employees. All employees must work together to ensure that everyone who works for Rhondda Cynon Taf Council is treated with respect and does not experience prejudice, discrimination, harassment, or hurtful and negative language whilst at work. Everyone has the right to be accepted for who they are and the Council will work to communicate this message to all employees.

If you need to discuss any problem arising from alleged or suspected harassment or discrimination, or wish for more detailed information about equality and diversity, please contact the Equality, & Diversity Team.

Director of Human Resources  
Human Resources Division  
The Pavilions  
Cambrian Park  
Clydach Vale  
CF40 2XX

Tel: 01443 424075  
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## **PROCEDURE**

### **CONTRAVENTION OF THE DIGNITY AT WORK POLICY**

If anyone believes they have been subjected to harassment, bullying, abuse or intimidation or those who think they may have witnessed a case of harassment, bullying or abuse shall in the first instance be able to receive advice and assistance on a confidential basis, from the Equality, & Diversity Team or Employment Services in Human Resources. The Policy has two stages of complaints. The disciplinary procedure of the Council will be followed if a complaint is upheld.

The Council takes a serious view of harassment, bullying, or abuse and if, following initial investigation by the Employment Services Team, it is found that an act of harassment, bullying or abuse is likely to have been committed, the following will occur:

1. **For employees:** The procedures of the Council shall apply and may result in disciplinary action, which may include the ultimate sanction of dismissal.
2. **For elected Members:** The procedures outlined in the Council Constitution, Code of Conduct, codes and protocols shall apply.
3. **For anyone contracted by the Council:** In the first instance, a written report detailing the breach of policy; will be made by the Director of Human Resources, or the Director of Legal Services if the allegation involves a person or persons contracted by the Director of Human Resources, to the Chief Executive, who will determine the appropriate course of action up to and including the withdrawal of the contract
4. **For any persons subcontracted to the Council:** The Principal Contractor will be considered responsible and action will be followed as detailed in paragraph 3 above.

Information, advice and/or assistance on the Dignity at Work Policy and its application can be obtained from the Equality and Diversity Team or Employment Services.

## **DIGNITY AT WORK – Complaints procedure for employees**

### **1. INTRODUCTION**

This procedure is designed to enable employee complaints of harassment, bullying or abuse to be dealt with promptly, fairly and sensitively. It covers both the complainant and the alleged harasser.

Employees who consider themselves to be the subject of harassment, bullying, or abuse will be taken seriously. Any victimisation or retaliation against an employee who complains is a serious disciplinary offence.

Allegations of harassment, bullying, or abuse made with the intention of damaging someone's reputation may, following investigation, invoke the disciplinary procedure of the Council.

Employees who feel they have experienced or witnessed harassment, bullying, or abuse should contact, via an appropriate line manager, an officer from the Employment Services or the Equality and Diversity Team in Human Resources. Potential issues may also be recognised by Occupational Health through other interventions and may be raised by the Occupational Health & Wellbeing Unit with the informed consent of the employee. Alternatively, a trade union representative, colleague or friend may make initial contact on their behalf.

Complaints should be made within 3 months of the alleged harassment, bullying or abuse taking place.

Employees who do not wish to raise a complaint under Dignity at Work but feel that they need support can access Conflict Coaching from a trained HR Assistant/Officer.

### **2. INFORMAL**

#### **Conflict Coaching**

To ensure confidentiality, an Officer/Adviser from Human Resources will work with those identified above to carry out conflict coaching. Explanations will be sought on the following:

- What behaviour was found offensive by the recipient
- Whether the behaviour was recognised as offensive by the person carrying out the action(s)
- What the parties can do themselves to resolve the issues

Having clarified the actions of individual parties a trained HR Officer/Adviser will, if deemed necessary, arrange for an informal individual meeting with each party at a convenient date, time and location. The aim of the meeting will be to coach each party to find a way to resolve the issues themselves by defining their own goals and actions.

Where deemed necessary by the Officer/Adviser, informal monitoring of the situation between the employees will be carried out until no longer necessary but not exceeding one year from the date of complaint.

If the individuals are able to resolve the conflict themselves then no further action will be required. If they are not able to resolve the conflict then mediation may be offered as a resolution.

**Mediation** is a voluntary, confidential process where an independent mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator.

Mediation will not be suitable in certain situations such as where there are allegations of sexual harassment or where there have been threats of, or actual, physical violence.

It will however, be suitable for many inter personal disputes where employees would benefit from understanding the respective viewpoints. It is not the intention to make employees friends, but rather to make sure that the working environment is effective for all concerned.

The process is very straightforward and will normally take the following format;

- The process is completely informal and non confrontational.
- The trained mediator will be independent of the parties involved and could come from anywhere across the council.
- Any information given to the mediator prior and during the mediation will be destroyed by the mediator.
- The mediator will exercise complete confidentiality, and will not discuss any of the mediation outside of the process.
- The mediator cannot be called upon to act as a witness should any further proceedings be required.

Where the informal process cannot provide a resolution, a formal complaint may be made through this Policy.



### **3. FORMAL**

Formal complaints will only be implemented on the exhaustion of the informal stage and should be made, via the Officer/Adviser in the Employment Services team of Human Resources who was involved in the informal complaint. A full investigation will then be carried out by an independent Officer/Adviser.

However the Council reserves the right to determine whether there is a need to move straight to the Formal Stage depending on the nature of the complaint.

The results of the investigation will be referred to a Head of Service or Service Director independent of the Service Area from which the originating complaint was made.

Where it has been established that there is no case to answer, the complainant will be notified appropriately in writing.

Where it is established that there is a case to be answered, the formal disciplinary procedure of the Council shall be invoked.

Once the formal processes have been exhausted mediation may again be offered to resolve any workplace relationship issues that may remain.

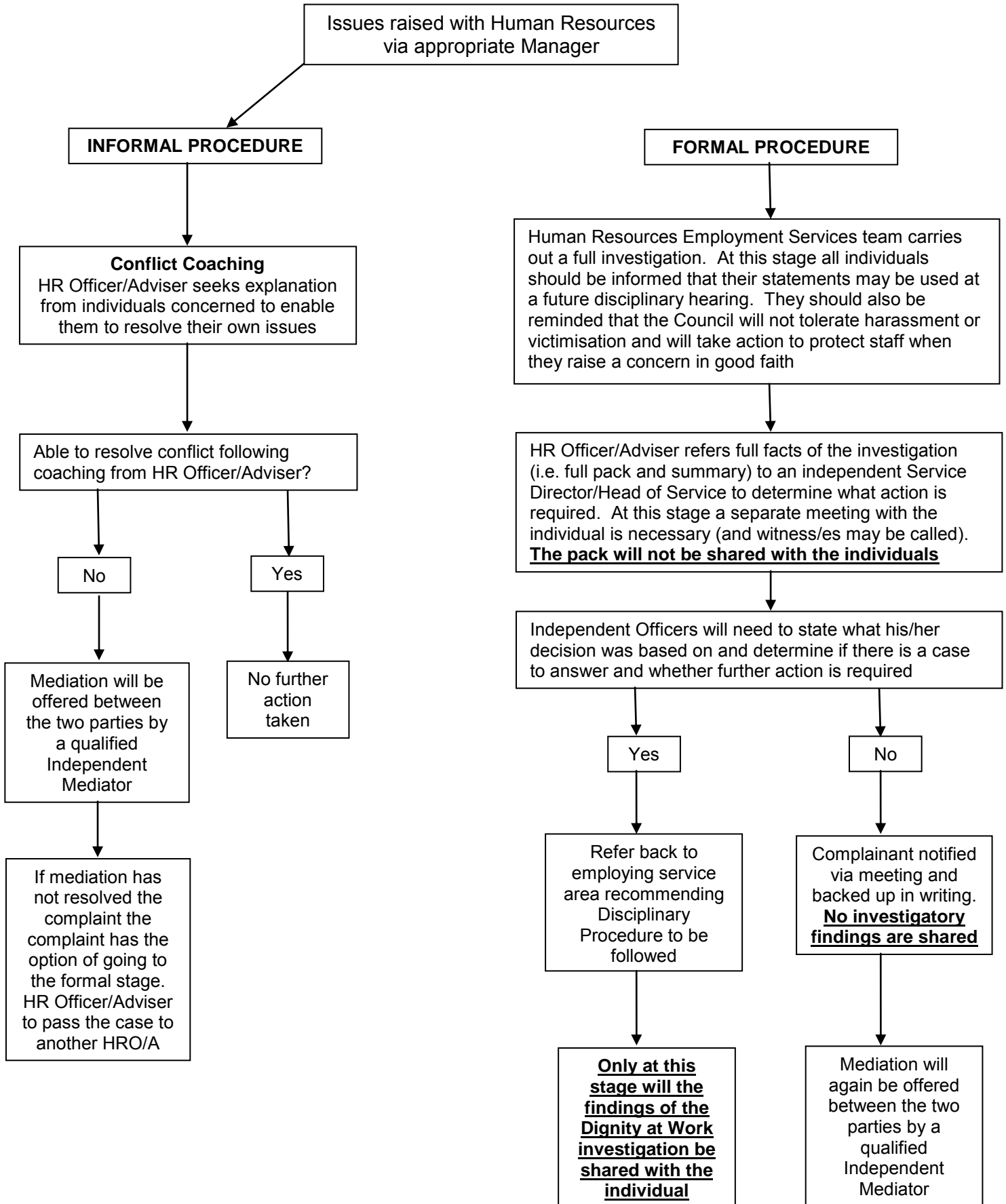
### **4. CESSATION OF INVESTIGATION**

If an employee who has made a complaint under the Dignity at Work Policy leaves the employment of the Council before the conclusion of the complaint the Council has no further obligation to that individual to complete the process.

If the complaint has been made by more than one employee the Council will continue the process on behalf of those employees who remain in employment only.

However the Council reserves the right to consider the issues raised during a complaint and to determine an appropriate way forward if necessary.

**DIGNITY AT WORK COMPLAINTS PROCEDURE FOR EMPLOYEES**



Version	2
Last Revision Date	August 2010



## Grievance Policy

<b>DOCUMENT CONTROL</b>	
POLICY NAME	<b>Grievance Policy</b>
Department	Human Resources
Telephone Number	01443 444501 01443 444502 01443 444503
Initial Policy Launch Date	May 1996
Reviewing Officer	Alison Cade, Peter Cushion, Richard Evans
Review Date	August 2010
Date of Equality Impact Assessment	
<b>REVISION HISTORY</b>	
Date	Revised By
September 2006	Alison Cade, Peter Cushion, Richard Evans
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If an employee has a grievance relating to his/her employment, he/she has the right to express it. Any grievance should be resolved as close to the point of origin as is possible.

### **STAGE 1**

- (a) Where an employee is aggrieved on a matter arising out of his/her employment they should discuss the matter in the first instance with their immediate superior. Where an employee prefers to have their grievance handled for them by their trade union then the grievance should be reported to their trade union representative who will raise the matter with the employees immediate superior.
- (b) The employee's immediate superior will consider the grievance and provide a verbal response within 5 working days of the matter being raised.

### **STAGE 2**

If there is no satisfactory solution within 5 working days then the employee or his/her trade union representative can request a meeting to discuss the matter with the immediate superior's manager who will make a decision.

### **STAGE 3**

If the matter cannot be resolved or the employee is dissatisfied with the decision then the employee accompanied by his/her trade union representative may request a meeting with the Chief Executive/ Group Director/Director/ Service Director / Head of Service. Such a meeting will be held within 10 working days of the request being made. A note of the meeting will be made by the Chief Executive/ Group Director/Director/Service Director / Head of Service, who will make a decision.

### **STAGE 4**

If the employee remains dissatisfied with the decision then the employee may appeal to an Appeals Panel of the Policy Committee. An employee may exercise their right of appeal by writing to the Director of Human Resources within 5 working days of the decision of the Chief Executive/ Group Director/Director/Service Director /Head of Service. The request must state the grounds for the appeal in full.

The Director of Human Resources will arrange a meeting of the Appeals Panel within 10 working days or at the earliest opportunity of receipt of the employee's request.

The employee will be invited to attend the Appeals Panel and may be accompanied by his/her trade union representative.

The Appeals Panel will determine on the matter and its decision will be final.