



POLICY ON FAIR TREATMENT AT WORK

Personnel & Office Services
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POLICY ON FAIR TREATMENT AT WORK

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(covering all employees)

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1 INTRODUCTION

- 1.1 Lothian Valuation Joint Board recognises its managerial and legal responsibilities to employees, and is committed to the principle of fair treatment and to developing an anti-discriminatory culture. This assists in ensuring that employees' health and well-being, confidence and performance at work are maximised as well as maintaining a working environment conducive to effective service delivery. In recognising this, the Joint Board acknowledges that the achievement and maintenance of good working relationships, and the proper operation of this policy, is a responsibility shared with all employees.

2 AIMS OF POLICY

- 2.1 The policy aims to address unfair treatment of employees by other employees and by service users as part of its actions to encourage and develop an anti-discriminatory culture. In addition it provides a framework for employees to raise associated concerns and have these concerns addressed speedily, using established Joint Board procedures where necessary.
- 2.2 Specifically, this policy aims to:
 - (a) promote awareness of the types of behaviour which, whether intended or not, can cause offence or injury to employees and seek to ensure that all employees understand that such behaviour is unacceptable and may lead to disciplinary action being taken;
 - (b) clearly identify the responsibilities of all employees in ensuring the development of an anti-discriminatory culture where all employees are treated fairly and with dignity and respect; and
 - (c) provide an effective framework for resolving concerns raised by employees, where concerns are taken seriously and dealt with promptly.
- 2.3 The policy also seeks to promote a culture where employees can raise concerns without fear of victimisation or recrimination, but in the knowledge that complaints shown to be malicious or vexatious will lead to disciplinary action.

3 FAIR TREATMENT

- 3.1 All employees rightly expect to be treated with dignity and respect at work by colleagues, managers and work contacts. Much of Joint Board business is based on contact and interaction between people, and therefore mutual respect is critical to effective working relations and service provision.
- 3.2 When examining concerns raised by employees, behaviour is not to be assessed solely on whether there is an intention to cause offence or distress, but account should also be taken of the impact of the behaviour on the recipient. It is recognised therefore that the perceptions and feelings of the recipient are an important factor in addressing concerns. It is also recognised that behaviour acceptable to one person might cause offence or distress to another.
- 3.3 /....

- 3.3 Whilst inappropriate behaviour often involves repeated acts, a single incident if sufficiently serious can constitute a disciplinary offence. Where behaviour has caused offence or distress, the arrangements set out in section 6 for resolving such concerns should be followed.
- 3.4 The following illustrate types of behaviour which, if they occur in the course of employment, are not consistent with fair and dignified treatment of employees. Employees should;
- (a) not subject others to unwanted or inappropriate physical contact or personal attention.
 - (b) not act in an intimidating, threatening or bullying manner.
 - (c) avoid damaging others' property.
 - (d) ensure they do not make offensive or abusive comments/jokes in discussions, phone calls, letters, posters, e-mail messages etc.
 - (e) not display or distribute offensive pictures, images or written material (including calendars and display screen images).
- 3.5 The examples cited above are indicative, but not exhaustive, of the types of behaviour that may constitute a disciplinary offence. In addition, some behaviour may also be unlawful. All employees should be aware that such behaviour taking place outwith working hours may be progressed under this policy if it is considered to have a link with work or impact on the workplace.

4 RESPONSIBILITIES OF JOINT BOARD MANAGEMENT

- 4.1 The Assessor and line managers have particular responsibilities in relation to this policy for promoting and maintaining fair treatment at work by;
- (a) communicating positively the policy to all employees within their area of responsibility and by setting an example of appropriate conduct and behaviour.
 - (b) understanding the provisions of the policy and offering appropriate advice and support to employees.
 - (c) monitoring working relationships within their area and responding to concerns raised promptly and appropriately.
 - (d) undertaking performance management activities such as discussing work activities, monitoring employees' effectiveness and setting objectives in a fair and consistent manner.
- 4.2 It is important to recognise that inappropriate behaviour can be unintentional and that, in such cases, the employee being complained of can suffer similar distress to the employee who originally raised concerns. In such circumstances, the Assessor should ensure that both parties are provided with advice and support.
- 4.3 It is acknowledged that the distinction between differing management styles and inappropriate behaviour is an issue which must be carefully assessed should concerns be raised. The need to review work priorities and ensure that expected standards of performance are met is vital to the delivery of services, and performance management arrangements exist to facilitate this in a fair and consistent manner. If following investigation it is established that a manager is utilising these arrangements in an unreasonable manner, this will be addressed in accordance with this Policy.

5 RESPONSIBILITIES OF JOINT BOARD EMPLOYEES

- 5.1 All employees have specific responsibilities in relation to the fair treatment of other employees at work. In particular, employees;
- (a) must treat all colleagues and service users with respect and dignity, and contribute positively towards harmonious and effective working relationships.
 - (b) must not discriminate against other employees of the Joint Board.
 - (c) must not intimidate, threaten or bully other employees or otherwise behave in a manner inconsistent with fair and dignified treatment of employees at work.
 - (d) must not victimise any individuals who have raised concerns or who have provided information about unfair treatment at work.
 - (e) are required to draw to the attention of management unfair treatment of other employees or service users they have witnessed or strongly suspect is taking place, providing evidence where possible.
 - (f) are required to support any proceedings considering allegations of unfair treatment at work and must not misuse the provisions of this policy.
- 5.2 A deliberate failure to fulfil these responsibilities may constitute a disciplinary offence and, in addition, could constitute an unlawful act.

6 RESOLVING CONCERNS

- 6.1 The early resolution of concerns raised by employees is a key aim of this policy, particularly to prevent problems becoming more serious. It is similarly recognised that the aim of employees will be to stop inappropriate behaviour from happening or being repeated with the minimum amount of anxiety, disruption and delay. Consequently, all employees have a responsibility to work towards an early resolution of their concerns, however, it is important that employees retain a sense of proportion in identifying behaviour that is perceived as causing offence or distress as opposed to causing mere annoyance.

First phase - resolving concerns informally

- 6.2 The objective of the first phase is to maximise opportunities for employees to resolve their concerns informally by having their concerns raised with the other person.
- 6.3 This calls for the employee to take ownership of his/her concern and preferably raise it directly with the person whose behaviour is believed to be inappropriate. The employee should identify clearly what is considered to be inappropriate and what action the other employee(s) need to take to resolve issues, for example making it clear that certain behaviour is offensive and that it should not be repeated. It is advisable for the employee expressing the concern to retain a personal note of any such approach.
- 6.4 The Joint Board recognises that employees may be reluctant to make a direct approach and, in such circumstances, may seek advice and support from a third party, for example a Trade Union representative or Personnel Officer.
- 6.5 /....

- 6.5 It should be stressed that no specific timescales exist within the informal phase and a delay before seeking formal management support will not preclude disciplinary action being taken where appropriate.

Second phase - seeking management support to formally address concerns

- 6.6 The objective of the second phase is to seek support from management in resolving the employee's concerns formally, where earlier attempts by the employee to resolve the matter have been unsuccessful.
- 6.7 Circumstances may arise where the informal approach outlined above either does not resolve the employee's concerns, ie the inappropriate behaviour does not cease, or is so serious that the employee does not consider that informal resolution is practicable. In such circumstances the employee should normally raise their concerns formally with the appropriate line manager and should confirm either that the informal approach was unsuccessful, or give an explanation as to why it was not practicable. If the employee's concern relates to a line manager whose behaviour is considered inappropriate, then the approach should normally be made to the next level of management.
- 6.8 The line manager must inform any person(s) that a complaint has been received regarding their behaviour and the general nature of the complaint as soon as practicable and normally within 7 calendar days. The line manager will also undertake an assessment of the circumstances with the aim of deciding on the most appropriate course of action. The assessment will normally be completed within 14 calendar days, and must be undertaken in a sensitive and confidential manner. Wherever practicable, normal working arrangements should be maintained whilst the assessment is being undertaken. Should this prove difficult, management may take action as necessary to ensure the work of the section is maintained. This may, exceptionally, include temporarily transferring one or both of the employees to another workplace or the use of limited special paid leave, however the employee who raised the original concerns will only be transferred with their agreement. If it becomes clear that any of the timescales in the second phase cannot be achieved, the reasons for this should be confirmed to all parties in writing.
- 6.9 At the conclusion of the assessment, the line manager must decide on a course of action to address the concerns raised. The options include;
- **Determine that the concerns are unfounded.** The line manager may inform the employees that no further action will be taken in cases where it is considered that the concerns are unfounded.
 - **Management intervention.** A manager may attempt to find a joint resolution between the parties by facilitating discussion and trying to restore/develop amicable and co-operative working relationships.
 - **Instruct a disciplinary investigation.** This would follow the normal investigation process and may lead to a counselling or formal disciplinary action and a subsequent right of appeal.

It is stressed that these options are not exhaustive and that other options may exist in seeking a resolution to the concerns raised.

- 6.10 As soon as possible after the assessment is completed, the line manager should inform the employees, in writing, of his/her decision on the course of action to be adopted. Once a decision has been made, the action should be implemented promptly and monitored closely. If it becomes evident to the manager that the chosen option is not providing the expected results, an alternative course of action may be sought.
- 6.11 /....

- 6.11 The outcome of disciplinary proceedings is a confidential matter between management and employee and, as such, will not be disclosed to the employee who originally raised concerns. The behaviour that caused the original concerns, however, would be expected to stop and the employee would be advised in general terms whether or not their concerns were substantiated.

The formal course of action selected to best achieve a resolution to the concerns raised should be fully implemented as soon as is reasonably practicable and normally within three months of the issue being raised formally by an employee. This timescale does not include the hearing of any disciplinary appeal, as this may not be within the line manager's control.

- 6.13 In circumstances where the manager determines that the employee's concerns are unfounded, subsequent consideration must be given to the employee's intentions when raising these concerns. If after investigation it is believed that a complaint was made maliciously or vexatiously then appropriate disciplinary action may be taken against the complainant.

Third phase - Formal lodging of grievance

- 6.14 In cases where, following the line manager's actions, an employee considers that their concerns have not been resolved and inappropriate behaviour has not ended, then the employee will have access to the Joint Board's grievance procedures. The redress sought via the grievance procedure is appropriate intervention to ensure that alleged inappropriate behaviour ceases and is not repeated.
- 6.15 The consideration of such a grievance will focus on the specific concerns, the evidence of inappropriate behaviour and the actions already taken by all the parties involved to address the matter.
- 6.16 It is not competent to pursue a grievance on the grounds that the employee who raised the concerns is dissatisfied with the outcome of any disciplinary proceedings initiated against another employee.

7 PROMOTING AWARENESS

- 7.1 The Assessor shall be responsible for arranging for all employees to be made aware of the policy provisions and providing employees with a copy on request. In addition, all new employees will be made aware of the policy provisions as part of their induction.
- 7.2 Appropriate briefing/training for managers and supervisors will be implemented by the Assessor. This will focus on management's role in maintaining fair treatment of employees and on responding to employees' concerns.

8 LOCAL AGREEMENT

- 8.1 This document is a local collective agreement between the Joint Board and the recognised Trade Unions. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement and adjusted by agreement to meet changing future needs. In the event of failure to reach agreement both parties reserve the right to terminate this local agreement by giving four months notice in writing. In such circumstances the terms of the local agreement will cease to apply to existing and future employees.