



## DIGNITY AT WORK POLICY

Providing a caring workplace environment free from discrimination, harassment, victimisation and unacceptable behaviour

**Mae'r ddogfen hon ar gael yn Gymraeg.  
This document is available in Welsh**

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## SECTION 1 – INTRODUCTION

### Policy Statement

- 1.1 Cardiff Council recognises the right of all employees to be treated with dignity and respect and to work in an environment that is free from discrimination, harassment, victimisation and unacceptable behaviour. Equally, the Council's service users must accept this right of employees when they are engaging with the Council's services. We are therefore looking to providing a caring and supportive working environment which is free from all forms of harassment, discrimination, bullying, intimidation and victimisation.
- 1.2 The Council is committed to developing an organisational culture to ensure that diversity and difference is actively celebrated, and our workforce is reflective of the communities that we serve. In doing so we will respect individual differences whilst pursuing a common purpose. We are committed to having a workforce that is treated fairly, with respect and feels valued for the contribution every employee makes. All employees are entitled to dignity, respect, and courtesy within the workplace and not to experience any form of discrimination. Discrimination in any form will not be tolerated within the Council.

### Aims and Objectives

- 1.3 The aims of the Dignity at Work Policy are to:
  - Support and sustain a thriving and positive working environment for all employees, free from any form of inappropriate or unacceptable behaviour
  - Make it clear that all forms of discrimination, harassment and victimisation are unacceptable and that all employees have a role to play in creating a thriving environment for everyone, free from discrimination and harassment
  - Provide a framework for respect and good conduct to prevent and eliminate all forms of bullying and harassment, including racial and sexual harassment and sexual misconduct
  - To highlight the options available to employees who feel they are or have been subject to bullying, harassment, racial discrimination, sexual misconduct, or any other inappropriate or unacceptable behaviour
  - Provide a mechanism by which complaints can, wherever possible, be addressed in a timely way
  - Set out the responsibilities for managing and supporting staff when concerns are raised under the Dignity at Work Policy

- 1.4 Our objective is to work towards a more inclusive and supportive working environment for all employees

## **Scope**

- 1.5 This policy applies to all employees of the Council, agency workers and volunteers (except school employees who have a separate policy) irrespective of age, disability, gender reassignment/affirmation, marriage and civil partnership, pregnancy and maternity (including same sex), race, religion or belief or non-belief, sex, sexual orientation and the Welsh language.
- 1.6 This policy covers unacceptable behaviour in any situation which may impact on an employee's employment with the Council. It applies to unacceptable behaviour occurring in the workplace or during working hours and situations that occur outside the working environment which arise out of, or may affect, the working relationship between employees or between an employee and a recipient of the Council's services.

## **Key Principles**

- 1.7 This policy does not inhibit firm, fair and consistent management. The legitimate management of issues such as performance or unacceptable behaviour is not a form of harassment or bullying if it is undertaken with professionalism and respect.
- 1.8 Where complaints arise, they will be resolved through informal procedures wherever possible. Where appropriate, the informal and formal stages of the Grievance Resolution Policy and Procedure should be followed. In exceptional circumstances, and on advice from HR People Services, it may be necessary to deal with complaints via the Disciplinary Policy and Procedure.
- 1.9 Where an agency worker or volunteer wishes to raise a complaint they should do so through the Council's Compliments, Comments and Complaints Procedure.
- 1.10 The Council recognises that any offence caused may not be intentional but nevertheless still may be discriminatory.
- 1.11 All complaints will be dealt with in a confidential, sensitive and objective manner and the parties involved will be treated with respect and protected from victimisation.
- 1.12 Wherever possible, the Council will respect requests for anonymity in dealing with cases of alleged unacceptable behaviour, on the understanding that it may inhibit any remedial action from being taken.

- 1.13 Information regarding dignity in respect of Religion, Belief or non-Belief, Sexual Orientation, Gender Reassignment and Disability is provided in Appendix 1, along with guidance for managers.

## SECTION 2 – ROLES AND RESPONSIBILITIES

### Roles and Responsibilities

2.1 It is important that everyone clearly understands their roles and responsibilities within this policy.

#### 2.2 The Council is responsible for:

- Providing training for employees in relation to this policy.
- Supporting and offering counselling to employees involved in incidents of alleged unacceptable behaviour.

#### 2.3 Employees are responsible for:

- Behaving in a way that is consistent with the Council's values of openness, fairness and working together with others, as defined by the [Employee Charter](#).
- Ensuring that their behaviour complies with the [Local Government Wales Code of Conduct](#) and any Council / external Codes of Conduct / Practice that govern the profession in which they are engaged.
- Ensuring they read, understand and comply with this policy and fully co-operate with the requirements. Demonstrating an active commitment to this policy and its aims.
- Raising a concern with their manager in a timely way, clearly stating the basis of the concern including the resolution required.
- Trying to resolve any concern informally before resorting to the informal and formal stages of the Grievance and Resolution Policy.
- Maintaining confidentiality at all times, with the exception of any conversations which may be necessary with their companion, and if there is a requirement to share information in relation to safeguarding concerns.
- Setting a positive example by treating others with respect.
- Discouraging unacceptable behaviour by objecting to it and informing their line manager if they believe that a colleague is being subjected to unacceptable behaviour.
- Supporting colleagues who may be subjected to unacceptable behaviour.
- Understanding that when they make a complaint, their manager has a duty to investigate it and take action to resolve it.
- Not making malicious and/or vexatious allegations of unacceptable behaviour, or complaints with spurious intent.
- Ensuring the rights of others are respected and upheld.

## **2.4 Managers are responsible for (in addition to their responsibilities as employees):**

- Ensuring employees are aware of all relevant policies and procedures in relation to Dignity at Work.
- Promoting a positive work culture by exemplifying appropriate conduct and behaviour, and ensuring employees are aware of the standards expected of them.
- Responding quickly and effectively to any complaint of alleged unacceptable behaviour.
- Managing employees in a firm, fair and consistent manner.
- Identifying unacceptable behaviour and taking reasonable corrective or preventative action in accordance with the policy.
- Ensuring that an employee who raises a complaint of unacceptable behaviour in good faith, is not victimised.
- Taking remedial or disciplinary action against an employee in accordance with the Council's [Disciplinary Policy and Procedure](#), where necessary.
- Taking the initiative in identifying unacceptable behaviour and taking reasonable corrective or preventative action in accordance with this policy. It is not acceptable for any manager to ignore unacceptable behaviour. Managers have a responsibility to “ask and act.”
- Dealing with minor concerns as part of normal day to day operational management.
- Dealing with concerns promptly, fairly and consistently and with advice from HR People Services.

## **2.5 HR People Services are responsible for:**

- Providing support and advice to managers and employees at all stages of the policy.
- Monitoring and reporting on instances of unacceptable behaviour to identify any potential trends.
- Reviewing the application of the policy in the light of operational experience.

## **2.6 Trade Union Representatives are responsible for:**

- Providing advice, support and representation to their members.
- Working with managers, HR People Services and employees to ensure that the Dignity at Work policy is adhered to.
- Working with all parties to facilitate timely and early resolution to matters.
- Encouraging the use of informal procedures if appropriate, including promoting the maintenance of working relationships.

## SECTION 3 - UNACCEPTABLE BEHAVIOUR BY SERVICE USERS, CONTRACTORS OR IN SERVICE DELIVERY

### Unacceptable Behaviour by Service Users or Contractors

- 3.1 The Council acknowledges that its employees may suffer unacceptable behaviour by users of the Council's services. However, the Council does not expect employees to accept such behaviour or tolerate it. The Council will provide support for any employee who is the victim of unacceptable behaviour by a member of the public in the course of their employment, and has a [Violence at Work Policy](#) which addresses such situations.
- 3.2 The Council's response to unacceptable behaviour towards its employees by service users may be restricted by the lack of available sanctions, or by statutory duties to provide services. Within these restrictions, however, managers must undertake their responsibilities towards employees as set out in this policy.
- 3.3 An employee who has been subjected to unacceptable behaviour should be offered a sympathetic approach and suitable support, and if appropriate counselling.
- 3.4 Managers should deal explicitly with perpetrators with a view to withdrawing services if behaviour is not moderated. If the case involves provision of a statutory service, other measures, including substitution of employees, may be considered as a last resort.
- 3.5 Managers should not automatically remove the employee from their work or workplace as this is likely to undermine the employee and give the perpetrator the impression that their actions are acceptable.
- 3.6 Where the employee has requested a transfer or has asked not to deal with the individual service user again, and the Council provides a statutory service to the user, the substitution of employees can be considered. Employees and managers must use their discretion as appropriate to the circumstances they are dealing with. In exceptional circumstances recourse to the [Council's Redeployment Policy and Procedure](#) may be appropriate for the employee at this point.
- 3.7 The Council's [Disciplinary Policy and Procedure](#) should not normally be invoked against employees who refuse to deal with individual service users because of unacceptable behaviour. In exceptional circumstances recourse to the Council's [Redeployment Policy and Procedure](#) may be appropriate.
- 3.8 Where a service is withdrawn because of unacceptable behaviour by a service user it is important that the course of events and the reasons for withdrawal are thoroughly documented. If the service user wishes to appeal against the withdrawal of the service, whether on the grounds that they deny that the

unacceptable behaviour took place or because they believe the penalty to be too harsh, a meeting should be arranged at which the service user should be given the opportunity to state their version of events and to hear the specific allegations made against them.

- 3.9 It may not be necessary or advisable for the employee to be present at this meeting, as it may cause undue distress or result in further unacceptable behaviour. The manager attending the meeting should provide the appropriate information at the meeting. This meeting should be conducted by a more senior manager to the one who decided to withdraw the service. If, after the meeting, the service user still believes they have been unfairly dealt with, they may have recourse to the Council's [Comments, Complaints and Compliments Policy](#).

### **Unacceptable Behaviour in Service Delivery**

- 3.10 If a service user believes that they, or another person, are being subjected to unacceptable behaviour by an employee in relation to the delivery of the Council's services, they should bring the incident(s) in the first instance to the attention of the appropriate Director through the Council's [Comments, Complaints and Compliments Policy](#).

3.11

- 3.12 Where the complaint necessitates an investigation into the alleged behaviour of an employee, this will be done in accordance with the Council's [Disciplinary Policy and Procedure](#).

- 3.13 Where action is taken against an employee, the Complainant will NOT be informed of the action taken as this is confidential.

## **SECTION 4 - DEFINITIONS OF UNACCEPTABLE BEHAVIOUR AND HOW TO RECOGNISE IT**

- 4.1 The Equality Act 2010 outlines the requirement for employers to make the workplace a fair environment and to comply with the law. It also sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make reasonable adjustments for a disabled person.

- 4.2 As an employer, the Council is responsible for the prevention of bullying, harassment, discrimination and victimisation and other unacceptable behaviour within the workplace.

### **Unacceptable Behaviour**

- 4.3 This can range from violence and bullying to more subtle behaviour such as ignoring an individual at work. It can subject an individual or a group to



**unwelcome** attention, intimidation, ridicule, offence or loss of privacy. It is **unwanted** by the recipient and **continues** after an objection is made, although **a single incident** may be serious enough to constitute harassment and justify a complaint.

4.4 The following is a non-exhaustive list of specific types of unacceptable:

- Any derogatory or offensive behaviour or language which relates directly to a person's age, religion, nationality, political beliefs or membership of a trade union.
- Inappropriate reference to a person's appearance or character traits, invasion of privacy or practical jokes which cause physical or psychological distress.
- Conduct that is derogatory, patronising, belittling, or humiliating to others and is therefore, inappropriate in an environment which is committed to encouraging opportunity for personal and professional development.
- Any behaviour or language that unjustifiably causes distress, patronises, offends, unfairly excludes or insults an individual.

## **Bullying**

4.4 Bullying is not specifically defined in UK law but ACAS says bullying 'may be characterised as: Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'.

Examples may include:

- Spreading malicious rumours, or insulting someone by word or behaviour
- Copying memos that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions based on sexual advances being accepted or rejected
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading work or subjecting to constant criticism
- Preventing the progression of individuals by intentionally blocking promotion or training opportunities.

## Cyber-bullying

4.6 Cyber-bullying can be defined as: “**Bullying, harassment and victimisation** conducted through social media such as blogs or social networking.”

Examples of cyber-bullying include but are not limited to:

- Posting offensive or threatening comments
- Posting inappropriate photographs, or the posting of sensitive personal information.

## Harassment

4.7 Bullying and harassment are terms that are often used interchangeably. However, legally, harassment usually has a specific meaning. This is defined in terms of the Equality Act 2010 as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.

4.8 The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation. In addition, the individual need not possess the relevant characteristic themselves, it can be because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do.

4.9 The Act uses a single definition of harassment to cover protected characteristics and enables employees to complain about specific behaviour that they find offensive, even if the behaviour is not directed at them. Protection is also extended to harassment because of perception and association. Harassment may be a persistent or an isolated incident and can be based on protected characteristics

4.10 An employee may make a complaint under this Policy for reasons which they find unacceptable or offensive and which are not linked to protected characteristics.

## Discrimination

4.11 The Act offers protection to employees in relation to discrimination which can be **direct** or **indirect**.

4.12 **Direct** discrimination occurs when an individual is treated less favourably than others and is generally unlawful.

4.13 **Indirect** discrimination occurs where the effect of certain requirements, conditions or practices imposed by an employer has a disproportionate adverse effect on a particular group and cannot be justified.

**4.14 Discrimination by association is direct (associative) discrimination** and applies if an employer treats an employee less favourably because of the employee's association with another person who has a protected characteristic. This does not apply to marriage and civil partnership or pregnancy and maternity.

**4.15 Discrimination by perception is direct (perceptive) discrimination** and applies if an employee is treated less favourably because the employer mistakenly thinks that the employee has a protected characteristic. This does not apply to marriage and civil partnership or pregnancy and maternity.

## **Victimisation**

**4.16** This occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

**4.17** To be unlawful, victimisation must be linked to a protected act. Examples of a protected act are:

- bringing proceedings under the Equality Act 2010
- giving evidence or information in connection with proceedings brought under the Act
- doing anything which is related to the provisions of the Act
- making an allegation (whether or not expressed) that another person has done something in breach of the Act.

**4.18** The Council undertakes to support and protect from the threat of victimisation anyone seeking advice, making a complaint of unacceptable behaviour, or assisting in an investigation, Retaliation against an employee involved in such proceedings is a disciplinary offence and will not be tolerated. Where appropriate either this policy or the Council's [Whistleblowing Policy](#) will apply.

## **Examples of Unacceptable Behaviour**

**4.19** The list of examples is not exhaustive but provides an overview of the different types of unacceptable behaviour described above. The aim is to assist understanding of what might be found offensive, whether intentional or not, or be deemed as bullying, harassment, or deemed to be discrimination, whether direct or indirect.

## **Age**

**4.20** This relates to behaviour including ridiculing or demeaning people because of their age, either actual or perceived, or through association with individuals of a

particular age. This could include regarding them as “too old” or “too young”; or making assumptions about lifestyle based on perceived age.

#### **Non-Verbal**

- Exclusion from normal workplace conversation or activities
- Making assumption about lifestyle/interests
- Denying training/development/promotion opportunities due to age
- Being pressured to retire
- Sending emails or displaying material with ageist content

#### **Verbal**

- Questioning ability due to age
- Making patronising comments

#### **Physical**

- Setting unrealistic challenges

### **Disability**

**4.21** This relates to behaviour which is directed at a disabled individual or group of disabled people, whether they are perceived to be or are actually disabled, or through association with disabled people. The behaviour results in the individual(s) feeling threatened or compromised.

#### **Non-Verbal**

- Making inappropriate gestures, staring or mimicking behaviour.
- Refusing to make reasonable adjustments.
- Exclusion from normal workplace conversation or activities.
- Holding events at inaccessible venues.
- Denying training/development/promotion opportunities because of the need to act as a carer for a disabled person i.e. having a family member, partner, or child with a disability.
- Sending emails or displaying material with offensive content relating to disabled people.
- Making assumptions about someone’s abilities based purely on their disability or perceptions about their disability.

#### **Verbal**

- Making fun of an impairment.
- Mimicking a speech impairment.
- Using inappropriate terms e.g., handicapped.
- Inappropriate personal questioning relating to disability.

#### **Physical**

- Inappropriate practical jokes.

## **Gender reassignment, affirmation or identity**

**4.22** This relates to behaviour about perceived or actual gender reassignment, affirmation or gender identity for an employee or others who they are associated with.

### **Non-Verbal**

- Refusing medical leave for gender reassignment / affirmation treatment.
- Refusing to treat a person as the gender they have identified as.
- Exclusion from workplace conversations or activities.
- Making assumption about lifestyle/interest.
- Sending emails or displaying material containing offensive content.

### **Verbal**

- Making inappropriate comments
- Commenting on dress and appearance.
- Actual or threatened disclosure of 'previously assigned/determined gender'
- Refusal to use an individual's preferred name i.e. deadnaming.
- Making jokes or comments about someone's gender reassignment
- Refusing to use any individual's pro nouns (he/him, she/her, they/them)

### **Physical**

- Unwanted touching, groping or inappropriate invasion of personal space (getting too close).

## **Marriage and civil partnership**

**4.23** This relates to behaviour which inadvertently or deliberately excludes an individual based on actual or perceived marital or civil partnership status.

### **Non-Verbal**

- Deliberately excluding same-sex partners from social events.
- Not affording people in civil partnerships the same rights as married people for work related benefits, such as flexible working, adoption leave, parental leave pay, and leave.
- Denying civil partners the benefits that are automatically given to married people in the same job, such as employment or training opportunities.

## **Pregnancy and Maternity**

**4.24** This relates to direct discrimination and victimisation on the grounds of pregnancy and maternity.

### **Non-Verbal**

- Being demoted or prevented from having training or promotion opportunities because of becoming pregnant or being on maternity leave.
- Being dismissed/made redundant while on maternity leave without following correct and fair procedures.
- Being disciplined for having performance issues due to illness connected with pregnancy.
- Being refused sick leave due to illness connected with pregnancy.
- Being dismissed or treated unfavourably while undergoing IVF treatment without following correct and fair procedures.
- Being refused paid time off for ante-natal care.

### **Verbal**

- Making inappropriate comments about amount of absence/toilet breaks.
- Unwanted comments on dress and appearance.

### **Physical**

- Setting unrealistic challenges.
- Unwanted touching or the inappropriate invasion of personal space (getting too close).

## **Race (including ethnicity, nationality, culture and colour)**

**4.25** This relates to behaviour and actions based on an individual's perceived or actual race, ethnicity, nationality and colour or through association with someone from a particular ethnicity, nationality and colour. This pertains to any action which results in the individual(s) feeling threatened or compromised.

### **Non-verbal**

- Exclusion from normal workplace conversation or activities.
- Inappropriate gestures.
- Sending emails or displaying material containing racist content.
- Making inappropriate assumptions based on ethnicity, nationality or colour.
- Making assumptions about lifestyle/interests.

### **Verbal**

- Using inappropriate terms when referring to race (including ethnicity, nationality and colour).
- Using derogatory nicknames.
- Deliberately mis pronouncing names
- Making racist comments or jokes.
- Stereotyping.
- Mimicking someone's accent.

### **Physical**

- Inappropriate physical contact.

## **Sex**

**4.26** The Equality Act 2010 prohibits discrimination (whether direct or indirect), harassment and victimisation on the ground of a person's sex whether they are a man or a woman.

**4.27** Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity. Trans individuals may also experience sexual harassment based on perceptions or assumptions in relation to their appearance or sexuality.

### **Non-Verbal**

- Denying a woman a job or promotion for fear that she may become pregnant.
- Provision that affects only part time workers may indirectly discriminate against women since part time workers tend to be women.
- Unwanted conduct related on grounds of their sex which has the purpose or effect of violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment
- Refusing to offer a position based purely on a gender stereotype i.e. not offering a secretarial post to a man.
- Unnecessarily requiring individuals to work full-time or insisting on employees working long hours. This may disadvantage more women than men as it is still mainly women who take primary responsibility for childcare so cannot work full-time or long hours.
- Unnecessarily requiring variable hours such as shifts and unplanned overtime. This is likely to disadvantage women compared to men because of the difficulties of getting flexible childcare.
- Exclusion from normal workplace conversation or activities.
- Inappropriate gestures, suggestive looks, flirting, sexual advances, sexual remarks.
- Sending emails or displaying material containing sexist or pornographic content.

### **Verbal**

- Making rude or abusive comments or requests for sexual favours.
- Making sexually explicit jokes.
- Asking questions about someone's sex life
- Stereotyping.
- Unwanted comments on dress and appearance.

### **Physical**

- Touching someone against their will, for example hugging them
- The invasion of personal space (getting too close).
- Sexual assault

## **Sexual orientation**

4.27 This relates to behaviour which condemns or ridicules people because of their perceived or actual sexuality or through association with someone of a particular sexual orientation, which leaves them feeling violated, uncomfortable, excluded threatened or compromised.

### **Non-Verbal**

- Deliberately excluding same-sex partners from social events.
- Making assumptions based on sexuality.
- Exclusion from normal workplace conversation or activities.
- Sending emails or displaying material containing offensive content.

### **Verbal**

- Using inappropriate terms.
- Using derogatory nicknames.
- Inappropriate personal questioning relating to sexual orientation or domestic circumstances.
- Gossiping or speculating about someone's sexual orientation
- Using homophobic or biphobic language or jokes e.g. insisting bisexuals/pansexuals are greedy.
- Being told that their identity/orientation is simply not real or is just a phase.
- Stereotyping.
- Making jokes or comments about someone's sexual orientation
- Actual or threatened unwanted disclosure of sexuality.
- Unwanted comments on dress and appearance.
- Using derogatory nicknames, or using an accepted term in a derogatory way e.g. 'that is so gay'.
- Suggesting to a bisexual colleague that they should 'make up their mind'

### **Physical**

- Unwanted touching, groping or the invasion of personal space (getting too close).

## **Religion or belief**

4.28 This is where a person is subjected to derogatory remarks, stereotypes, making assumptions or other inappropriate behaviour on the grounds of perceived or actual religion or belief or through association with someone of a particular religion or belief. This can include statements or assumptions about religion or belief or excluding people on the basis of their religion or belief.

### **Non-Verbal**

- Exclusion from normal workplace conversation or activities.
- Arranging team lunches during periods of fasting or religious occasions which may make it difficult for colleagues to attend.
- Inappropriately enforcing a dress code which may not accommodate religious dress.



- Making assumptions based on religion or belief.
- Organising out of work activities at places which are difficult for certain religions groups or races to attend.

#### **Verbal**

- Making inappropriate comments or jokes about someone's religion or belief, or because they do not have a religion or belief.
- Stereotyping.
- Using derogatory nicknames.
- Inappropriate comments about use of prayer rooms.

#### **Physical**

- Inappropriate touching of religious garments or articles.
- Not respecting personal space as it relates to religion or belief.
- Physical abuse of someone who held a particular religion or belief or none.

## **SECTION 5 - RELATED DOCUMENTS**

|  |
|--|
| <a href="#"><u>Attendance and Wellbeing Policy</u></a>                                   |
| <a href="#"><u>Comments, Complaints and Compliments Policy</u></a>                       |
| <a href="#"><u>Disciplinary Policy</u></a>   |
| <a href="#"><u>Violence Against Women, Domestic Abuse and Sexual Violence Policy</u></a> |
| <a href="#"><u>Employee Charter</u></a>  |
| <a href="#"><u>Equal Opportunities Policy</u></a>  |
| <a href="#"><u>Local Government Wales Code of Conduct</u></a>                            |
| <a href="#"><u>Redeployment Policy</u></a>   |
| <a href="#"><u>Regrading Policy</u></a>  |
| <a href="#"><u>Social Media and Online Participation Policy</u></a>                      |
| <a href="#"><u>Stress Management Policy</u></a>  |
| <a href="#"><u>Violence at Work Policy</u></a>   |
| <a href="#"><u>Whistleblowing Policy</u></a>   |
| <a href="#"><u>Grievance and Resolution Policy</u></a>                                   |
| <a href="#"><u>Sexual Orientation in Employment Policy</u></a>                           |
| <a href="#"><u>Transitioning at Work Guidance</u></a>                                    |
| <a href="#"><u>Religion and Belief Policy</u></a>  |
| <a href="#"><u>Equality and Diversity Awareness Handbook</u></a>                         |

## **FURTHER INFORMATION ON RELIGION OR BELIEF, SEXUAL ORIENTATION, GENDER REASSIGNMENT AND DISABILITY**

### **DEFINITIONS**

#### **Religion or other belief**

1. Religion or other belief is defined as any religion, religious belief or similar philosophical belief that has a clear system or profound belief that affects the way of life or view of the world of the believer.
2. Political or ideological beliefs are not included within the definition.

#### **Sexual Orientation**

3. Sexual orientation is an attraction towards persons of the same sex, the opposite sex, or the same and opposite sex.
4. It should be recognised that sexual orientation does not apply to sexual practices and a sexual practice should not be implied by a person's sexual orientation.

#### **Gender Reassignment/Affirmation**

5. For the purposes of the Equality Act 2010 a person has the protected characteristic of gender assignment if that person "is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex." whether or not they are under medical supervision.
6. It should be noted that a person is protected once they have "proposed" to change their sex, even if they later change their mind. This is the case whether or not they are under medical supervision.
7. The Act provides that a trans person is one who has the protected characteristic of gender reassignment, as their gender identity is different from the sex assigned at birth.
8. To be protected from gender reassignment discrimination, a person does not need to have undergone any specific treatment or surgery to change from their birth sex to their preferred gender. This is because changing physiological or other gender attributes is a personal process rather than a medical one.

## **Disability**

9. Cardiff Council subscribes to the Social Model of Disability which considers that it is the environment a person lives or works in that is disabling, rather than an individual's health condition or impairment.
10. The Equality Act 2010 defines disability as 'a physical or mental impairment that has a substantial and long-term adverse effect on that person's ability to carry out normal day to day activity.'
  - a) Physical impairments are impairments affecting the senses such as sight and hearing, a weakening of a part of the body through illness, by accident or congenitally, such as paralysis of a leg or heart disease.
  - b) Mental impairments, this includes mental health conditions and mental illnesses which have a substantial and long-term effect on that person's ability to carry out normal day to day activities.
  - c) Substantial adverse effect: the effect of the physical or mental impairment on the ability to carry out normal day to day activities must be more than minor or trivial. On the other hand, it does not have to be severe. The person must be affected by one of these impairments: mobility, manual dexterity, physical coordination, continence, ability to lift, carry or otherwise move everyday objects, speech, hearing, eyesight, memory, ability to concentrate, learn or understand, perception of risk or physical danger or long term mental impairment.
  - d) Day to day activities are activities carried out by most people on a fairly regular basis. Activities that are necessary for carrying out a particular job or type of work are not normal day to day activities.

## **MANAGER GUIDANCE**

### **RELIGION OR BELIEF, DISABILITY AND GENDER REASSIGNMENT / AFFIRMATION**

#### **Religion or belief**

11. Employees may wish to observe the traditions of their religion and pray at certain times of the day. The Council will make a reasonable effort to accommodate requests for facilities or dietary requirements such as a quiet room, subject to space and other constraints. Any requests should be made in writing to their respective Line Manager. There are Prayer and Reflection Rooms available in key Council buildings, such as County Hall, and CityHall.
12. Some religions or beliefs have specific dietary requirements. The Council will endeavour to meet the most common religious dietary requirements in response to the needs of employees. Managers should be aware that as a minimum the Council will offer a vegetarian alternative at conferences and on

Council sites. Where there are buffets, the food should be clearly labelled and separately prepared and presented; examples include keeping meat and / or fish separate. Dependant on the type of event, it may be appropriate to provide other options and give respect to those attending who may be fasting.

13. Employees must seek approval by their Line Manager when requesting flexibility to pray at certain times throughout the working day. Employees will be allowed flexibility on prayer days to pray, such as 30 minutes from a 60 minute lunch period could be divided into three 10 minute slots, which could be taken throughout the day. Another system that could assist an employee's time management for prayers could be the use of the flexi scheme.
14. Employees may request to take annual paid leave from their leave entitlement or other leave (Flexi, Unpaid) to participate in religious celebrations, festivals or ceremonies some times at short notice i.e. sighting of moon for eid takes place the day before potential leave. The normal procedure for requesting leave should be followed, however, consideration should also be given when requesting leave at short notice due to certain religious practices Where an employee has good grounds to feel that leave has been refused unreasonably, the employee can raise the matter under the Grievance and Resolution Policy.
15. If an employee requests extended leave for the purposes of pilgrimage, the Director should sympathetically consider the request. Where it is reasonable and practical, the request should be agreed, providing that the employee uses any sufficient annual leave in the first instance, where the leave request exceeds any remaining annual leave, the request may be granted as unpaid leave.
16. The Council does not operate a formal dress code, however, it is expected that employees dress appropriately for the work they are conducting. The Council supports employees to wear clothing consistent with their belief or religion however, the only limitations to this are concerning Health and Safety requirements, where specific clothing or ID badges need to be worn. If the Health and Safety requirements conflict with an employee's religion or belief, the Line Manager will consider the matter with sympathy, with the aim of finding a reasonable and satisfactory compromise.

## **Disability**

17. The Equality Act 2010 contains three requirements to provide reasonable adjustments in situations where a disabled person would otherwise be placed at a substantial disadvantage compared with people who are not disabled. These requirements apply for both current employees and candidates going through the recruitment process:
  - a. Changing the way things are done, for example a policy, provision, criteria or practice.
  - b. Making changes to overcome barriers created by the physical features of a workplace.

- c. Providing extra / suitable equipment or extra support to assist the disabled person.
18. The Council has a positive and proactive duty to take steps to remove, reduce or prevent the obstacles a disabled employee or job applicant faces. This applies to all stages and aspects of employment including, for example, the need to make reasonable adjustments to procedures, policies and decisions.
  19. This duty arises only when the Council either knows or could reasonably be expected to know that an employee or job applicant is disabled; and should be acted upon as soon as practically possible.
  20. The implementation of adjustments is not an absolute duty; it is a duty to make a Reasonable adjustment. In this context reasonableness will often depend on likely effectiveness, practicality and cost.
  21. The reasonableness of any adjustment may also require consideration of issues surrounding health and safety and to this end the Equality Act does not overrule other legislation. Whilst the Council has responsibilities under the Equality Act, it also has responsibilities to reduce risk to health and safety so far as is reasonably practicable under the Health and Safety at Work Act 1974. The Council cannot make an adjustment which contravenes health and safety legislation. Further guidance on reasonable adjustments and the procedures can be found in the Attendance and Wellbeing Policy.

### **Gender Reassignment/Affirmation**

22. To be protected from gender reassignment discrimination, individuals do not need to have undergone any specific treatment or surgery to change from their birth sex to their preferred gender. This is because changing physiological or other gender attributes is a personal process rather than a medical one. Gender affirmation and transition may refer to medical procedures, as well as social and legal ones.
23. Where an individual applies to Cardiff Council for employment, if during the recruitment process information is disclosed about an applicant's gender history, such as a different name, the Council will keep the information confidential and will not take this into account during the selection process, unless there is a legitimate or occupational requirement for the post applied. Where an applicant has already medically transitioned, they are able to apply to gender specific roles, providing they present the necessary documentation.
24. If a Genuine Occupational Requirement applies in respect of the recruitment to a particular post; failure to recruit an individual to whom gender reassignment grounds apply based on their transgender status will be considered unreasonable and could lead to claims of discrimination by those aggrieved.
25. If a Disclosure and Barring Service (DBS) form is required for the post, applicants must disclose any previous names and / or gender to the DBS;

however, a special application procedure has been established by the DBS that should be completed; once completed the DBS will not disclose the previous name or gender to the Council.

26. Transition is the term used to identify the period a person takes to change from their gender assigned at birth to their gender identity . It can refer to the medical, social or legal processes. The transition period within the workplace will begin when the employee informs their Line Manager that they will be attending work within their new gender role.
27. An employee who is transitioning should inform the Line Manager as soon as possible, in order for the Council to accommodate the changes and assist the employee effectively in a smooth and programmed manner. Managers are encouraged to promote awareness to staff on transgender issues, to assist the employee move comfortably into their gender role; this should only be done with the express consent of the employee concerned.
28. The employee should arrange to discuss with the Line Manager any specific requests such as leave to attend medical appointments or where there are any issues or concerns and how these can be overcome. Where reasonable and practical the Council will attempt to accommodate the requests in the most appropriate manner.
29. An employee must not be dismissed based on being a transgender person or deciding to transition; unless there is a legitimate reason such as the post being only permissible for the current gender, in which case the Line Manager should look at suitable alternative working arrangements or possible re-deployment.
30. A recognised transgender employee can use the toilets and changing rooms, in accordance with their preferred gender identity. The employee may also conform to the dress code of that gender identity, providing it conforms to Health and Safety regulations and is suitable for the post performed.
31. It is the responsibility of all staff to treat the transgender employee with respect and to use their preferred names and pronouns. If an employee changes their name, this should be updated on the HRPS Records by providing a copy of the name change, such as birth certificate to the Line Manager and by updating DigiGOV.
32. Line Managers may find the following checklist useful in assisting the employee throughout the transition period (not exhaustive):
  - Does the employee wish to stay at their current workplace or be redeployed and is this a practical option.
  - When and how should others be told (if at all).
  - Whether the employee wishes to inform their colleagues and other contacts personally or would prefer this to be done for them (if at all).
  - What is the expected time off for medical and surgical procedures.
  - When is treatment to commence, if at all
  - Expected completion date of medical transition.

- Sickness monitoring and confidentiality.
- Implications on performance.
- What support does the employee think they will require.
- When and how to commence living in the new gender and what appearance changes to be expected.
- What amendments will be required to records and systems.
- At what point to commence the use of single gender facilities.
- How to handle hostile reactions, harassment and unwanted media interest.
- How to control rumours.
- Enquire about pronouns, and what context they can safely be used
- What education needs to be provided to assist colleagues' understanding and provide appropriate support to the employee.
- Dress / uniform issues.

### MICROAGGRESSION

#### What is a Microaggression?

1. The Oxford English Dictionary describes a microaggression as "a statement, action, or incident regarded as an instance of indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority." **The term is also known as micro incivilities.**
2. Often these incidents are the result of unconscious bias - when one person has a pre-conceived idea or notion about the characteristics of another group of people, most often a negative idea. They are almost always the result of stereotyping of certain groups, which is learned through our social conditioning and we may be unaware of how these can affect others.
3. Microaggressions disproportionately affect Black Asian Minority ethnic people, but Women, Disabled people and LGBT+ individuals and working class people (UK) are similarly affected. In the UK, the legacy of colonialism also contributes to negative attitudes and behaviours against people associated with former colonies.
4. A key feature of racial microaggression is that they **are generally hidden in everyday life and social interactions and difficult to identify.** These are often automatically or unconsciously delivered as "subtle, stunning, often automatic, and non-verbal ex-changes which are 'put downs' or as "subtle insults (verbal, nonverbal, and/or visual) and specifically directed to people of colour, or other minority groups". They often take the form of:
  - Denial of individual prejudice.
  - Questioning lived experience.
  - Casual remarks/'Off the cuff' remarks.
  - Exclusionary behaviours.
  - Questions or comments that reveal assumptions based on stereotypes.
  - Undermining in public.
  - Colour "blindness."
  - Marginalising or erasing LGBTQ+ identities.

#### Where Microaggression Can Occur

5. Microaggressions may or may not be intended to be malicious, even though the impact might be. But they do not have to be spoken. They can be tiny actions, too – ones that most onlookers might not even notice, let alone describe as offensive. Not sitting next to someone on a train, for example. Or interrupting someone during a meeting, or assuming someone speaks the same language as you because you are the same race – or assuming they *don't* because



they're *not* the same race – or gawking at people who look different as they walk past, not sitting next to that person at meetings. It makes the people experiencing the aggression feel different, weird, someone to be suspicious of, or even feared.

6. **Microinsults** are “communications or unconscious behaviours” such as “subtle snubs” that express rudeness, insensitivity and demean a person’s racial heritage. Perpetrators can be unaware of the hidden and insulting message that have expressed towards the recipient.
7. An example is asking an employee from a minority racial background in a certain context on “How did you get your job?”. The underlying message suggests to the recipient that (a) individuals from a different racial background are not qualified, and (b) as part of that minority group, they must have obtained the position through some positive action or quota program and not because of ability. This can also occur nonverbally, when a White manager/supervisor seems distracted during a conversation with a Black employee by avoiding eye contact or turning away where the message conveyed to persons of colour is that their contributions are unimportant.
8. **Microinvalidations** are “unconscious behaviours (including verbal) that negate or minimize the lived realities of Peoples of colour (PoC) such as denying the existence of racial issues, denial of racism, and regarding racial minorities as foreigners”. These are messages that deny or devalue the experiences of individuals from a minority racial background. These exchanges can appear neutral or complimentary on the surface, but underneath suggest that the individual or members of their racial group are deficient, or somehow this particular individual is the “exception” of their race or racial heritage.
9. The best way to avoid committing microaggressions is to work at recognising your unconscious biases and try to unpick them, so that they are less likely to come up through your actions or in conversation. If someone tells you that you have committed a microaggression, don't get defensive, accept that you have hurt them, apologise and think about how you can avoid doing it again in future.
10. Find out more - Cardiff Academy has a Microaggression elearning module which you are encouraged to complete.

**ANTISEMITISM**

1. The Council has adopted the [International Holocaust Remembrance Alliance \(IHRA\) working definition of antisemitism](#):

*“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”*