



Dignity at Work Policy

1. Introduction

'Everyone in the office is chattering away at lunchtime but when I walk in they all go quiet'

'They all went out for a Christmas meal and I wasn't invited'

'All my suggestions in meetings are ignored, but when I'm quiet I'm accused of being sulky'

All the above are examples of bullying behaviour, the effect of which is often to make the subject feel 'picked on', isolated and de-skilled. After a period these types of actions may well result in the subject taking sickness absence, either because they just cannot face coming into work or because they are becoming genuinely ill with stress, which can be manifested in physical as well as emotional symptoms.

2. Purpose and Scope

The purpose of this Policy is to assist in developing and encouraging a working environment where every member of staff and volunteer, whether senior or otherwise, part time, full time, temporary or permanent, should be treated with dignity and respect while at work.

3. Aims and Objectives

The specific aims and objectives of this policy are to:

- Ensure that all employees are aware of the types of behaviour which may constitute harassment or bullying and their responsibilities for preventing such behaviour;
- Ensure that all employees understand that behaviour that may constitute harassment or bullying is unacceptable and that appropriate measures, including disciplinary action, may be taken;
- Promote a climate in which employees feel confident in bringing forward complaints of harassment or bullying without fear of victimisation;
- Ensure that all allegations of harassment or bullying are responded to quickly, positively and in confidence;
- Provide arrangements whereby complaints can be investigated in a manner which recognises the sensitivity of the issues raised and respect the rights and confidentiality of all those involved.

4. What is Harassment at Work?

Harassment occurs when someone engages in unwanted conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient. As a result, it is possible that behaviour that is acceptable to some employees may cause embarrassment, distress or anxiety to others. It is recognised, therefore, that harassment or bullying relates essentially to the perceptions and feelings of the recipient.

Harassment on the grounds of age, disability, gender reassignment, marriage and civil partnership, maternity and pregnancy, race, religion or belief, sex or sexual orientation is unlawful and will not be tolerated in any form.

A racist incident is any incident which is perceived to be racist by the victim or any other person.

Any attention by an employee towards another employee, or group of employees, which is offensive to the recipient and creates an intimidating, hostile or offensive work environment for one or more employees is unacceptable. Harassment also includes the display of material that is offensive to employees or volunteers in the workplace.

Whilst harassment often involves repeated acts of offensive behaviour, a single incident may constitute harassment under this policy.

Harassment can take many forms, an illustration of which is below and may include:

- unnecessary and unwanted physical contact ranging from touching to serious sexual or physical assault;
- verbal conduct such as sexist, racist and homophobic comments or innuendo; derogatory remarks about disability or age; slogans, insults, comments of a personal nature; suggestive remarks, inappropriate jokes or language;
- unwanted non-verbal conduct, including sexually suggestive gestures, staring and leering;
 - display, storage or circulation of offensive material (including information held on computer, mobile phone, email social media, or other digital communication devices)
- conduct that denigrates, threatens, ridicules, intimidates or abuses, undermines or undervalues an individual because of characteristics such as those described above (deemed 'protected characteristics' under the Equality Act 2010) including derogatory or degrading remarks or insults or offensive comments about appearance or dress;
- unwanted sexual attention or advances;
- suggestions that sexual favours may result in career advancement or some other employment benefit (or that refusal of such suggestions may result in some form of detriment);
- unfair treatment, which might include deliberate exclusion from conversations or events at work, for reasons based on characteristics such as age, culture, disability, ethnic origin, gender, race, religion or sexuality.

This is by no means an exhaustive list and harassment may come in another form not shown here.

The essential characteristics of harassment are that it is unwanted by the recipient and that it is for each individual to determine what behaviour is acceptable to them and what they regard as offensive. It is the unwanted nature of the conduct that distinguishes harassment from behaviour between employees that is welcome, mutual and appropriate in a working environment.

5. What is Bullying and Cyber-Bullying?

Although harassment is often related to matters such as 'protected characteristics' (see above) it is apparent that a more general form of harassment may take place that is not based on any one clearly identifiable aspect of the person concerned. This form of harassment may be described as bullying or aggressive or intimidatory behaviour by one person towards another.

Bullying is increasingly recognised as a serious management issue and is often unreported. People affected by bullying often feel the matter appears trivial or that they may have difficulty in describing it.

Bullying can be defined in many ways but is generally behaviour that is identified as a misuse of power. It is usually persistent (i.e. more than a one-off incident), is offensive, abusive, intimidating, malicious or insulting behaviour or unfair use of sanctions which

makes the recipient feel upset, threatened, humiliated or vulnerable and undermines self confidence. It can manifest itself in many other conditions such as nervousness, stress, poor work performance, absenteeism etc.

Bullying behaviour is largely identified not so much by what has actually been done, but rather by the effect that it has on the recipient.

At its most extreme, bullying can be physical e.g. hitting, pushing, damaging or stealing personal possessions. This may, in some cases, constitute gross misconduct and should be dealt with under the disciplinary procedure.

Examples of unacceptable behaviour covered by this Policy could include:

- withholding information that affects other people's jobs
- humiliating or ridiculing others about their work
- ordering others to work below their level of competence for no reason
- removing areas of responsibility without consultation
- spreading rumours or gossip
- ignoring or sending others to 'Coventry'
- making insulting or offensive comments about others
- shouting and getting abusive with others
- pointing your finger, invading personal space, blocking or barring the way
- suggesting that others should resign
- constantly highlighting errors or mistakes made by others
- being hostile to others
- constantly criticising others' work and efforts
- ignoring the views of others
- intentionally disruptive and undermining behaviour at meetings
- playing practical jokes on people you don't like
- setting unreasonable tasks or deadlines
- making false allegations against others
- making threats to raise claims against others
- engaging in excessive monitoring of the work of others
- removing the rights of others
- using malicious or insulting language

5.1 Cyber-Bullying (including use of social media sites)

This is the sending or posting of harmful or cruel messages or images via mobile phone, using the internet or other digital communication devices to an individual or group of people. Examples of cyber-bullying are as follows;

- Someone continually sending messages after being asked not to
- Sending or posting messages that can be threatening or upsetting
- Setting up profiles on social media sites with the sole purpose of making fun of someone
- Posing as someone else for the purposes of publishing material in their name to cause offence, ridicule or humiliate others
- Posting rumours or gossip and instigating others to dislike or gang up on someone
- Sending abusive text messages, offensive pictures or video.

6. Firm Management or Bullying?

It is important to distinguish between fair and effective management and bullying and harassment. A manager has a right to point out to staff that the standards expected in a job

are not being achieved. Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying.

However, it may be that behaviour which is considered to be firm management by one person may be taken as bullying or harassment by another. Appendix 1 sets out examples of robust versus bullying management.

7. What is the Legal Position?

Behaviour that can be construed as harassment, bullying and/or victimisation, and the failure to deal with such incidents or allegations, may expose the organisation and individual employees to a number of legal consequences.

Harassment based on race, gender, sexuality, disability, age, sexual orientation, gender reassignment and religion or belief are serious employment issues and may be in breach of the Equality Act 2010.

Employers may be liable for the actions of their employees, whether or not they are carried out with the employer's knowledge or approval. This is in addition to the employee's individual liability for his/her own actions. Liability for harassment amounting to unlawful discrimination can only be avoided if it can be proven that appropriate preventative measures were taken to ensure that the offending acts were not committed.

Individuals complaining of racial or sexual harassment, or harassment on the grounds of disability, age or religion or belief may have direct recourse to the law through an Employment Tribunal. Whilst other forms of harassment may not be in breach of the law, they may contravene your organisational policy and as such are unacceptable.

8. What Can I Do to Stop Bullying and Harassment?

We all have a responsibility to help create and maintain a work environment free of bullying and harassment.

8.1 Your Role as an Individual

You, as an individual, have an important role to play in making it known that bullying and harassment in any form is unacceptable, and in creating an environment where more vulnerable individuals can be confident enough to bring complaints without fear of ridicule or reprisal.

You can help to do this by:

- treating your colleagues with fairness, dignity and respect;
- being aware of how your own behaviour may affect others and, if necessary, changing it;
- where possible, safely challenging behaviour that is unwanted, unreasonable and causes offence or creates an intimidating or humiliating working environment,
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable;
- intervening, if possible, to stop bullying and harassment and giving support to recipients;
- reporting bullying and harassment to the Chief Executive or Board of Directors and supporting your organisation in the investigation of complaints; and

- if a complaint of bullying or harassment is made, not prejudging or victimising the complainant or alleged harasser. If you are directly answerable to a Board of Directors, they should be informed and advice taken.

These actions will help create a culture of fairness, dignity and respect and protect everyone from any unnecessary distress and anxiety.

9. Confidentiality

As a general principle confidentiality should be agreed and maintained. However, where a manager believes there is an unacceptable risk to the complainant, or to another person, or to the organisation, action will need to be taken, and absolute confidentiality cannot be maintained. Information will only be given to those who strictly need to know. The decision as to whether a complaint should be progressed will normally rest with the person raising the complaint, except where there is an unacceptable risk e.g. risk of damage to health, threats of violence. In such circumstances it will be necessary to take action under this procedure whether or not the complaint is in writing. If such action is necessary the person raising the complaint will be notified and kept informed.

Confidentiality will be maintained as far as reasonably possible during the investigation into an informal or formal complaint but there may be a need to refer to witnesses or directly involve others.

If the person raising the complaint wishes to remain anonymous it may not be possible to take any action, although the organisation should seek to support all individuals in the resolution of genuine complaints and concerns. There is a need to balance individual confidentiality with the nature of the risk.

10. Malicious Complaints

The Dignity at Work Policy exists to provide fair means of resolving genuine complaints. The raising of unfounded allegations for mischievous or malicious purposes will be viewed as grounds for possible disciplinary action.

11. Police Involvement

The organisation should reserve the right to involve the police in the event that information relating to a possible criminal offence is brought to its attention.

12. Procedure

Are you being harassed or bullied?

Your Options

If you feel you are being harassed or bullied, do not feel that you must tolerate it, or that it is your fault. Harassment or bullying is most effectively resolved if it is dealt with as early as possible and at as low a level as possible. If issues are ignored, endured or allowed to escalate, problems can be more difficult to solve.

Preparatory Action: Prior to taking action you may wish to keep a diary of the instances of harassment or bullying to which you believe you have been subjected. It is important to note the date, time and place of the incident, exactly what was said or done, the context in which it was said or done, how it made you feel and the action you took (if any). You should also note the names of any witnesses who were present and retain any related documents. This information will be relevant if you decide to make a formal complaint at a later stage.

The organisational policy should make reporting structures clear in terms of who to report to who. In a small organisation such as Interest Link the Board of Directors is ultimately

responsible. It is imperative that the organisation seeks external advice in terms of appropriate steps to take in the event of an issue of this nature arising.

12.1 Informal Action

Options for action are:

a) Going it alone

Meeting with the alleged harasser or bully, and asking them to stop may be the last thing you feel like doing, but in the interests of your longer-term working relationship it may be the best approach. The person you are approaching will come to appreciate that you came to them in person. If it seems daunting to do this alone you could ask a work colleague to accompany you. Please bear in mind that while you may be prepared for this meeting (and may have been the recipient of their behaviour for some time) the news to the alleged bully may come as quite a shock to them. The meeting needs to be kept as calm as possible and with the focus on changing behaviour for the positive, rather than a heated confrontation. If you have a work colleague accompany you, they should be there to support you and help the meeting have a constructive outcome rather than worsening the situation by stirring things up.

b) Involving Management

What if the bully is my line manager?

Your employer has a duty of care towards you and it is the responsibility of all managers to take appropriate action to prevent/stop unacceptable behaviour in the workplace. If your line manager is the problem, then you should feel able to approach their line manager, or ultimately (particularly in the case of small third sector organisations) a representative of the Board of Directors of the organisation. After making them aware of your situation, you should between you discuss and agree your options for action.

Depending on the nature of your circumstances, the manager may consider one or a combination of the following options:

- Encouraging you to speak to the alleged bully/harasser alone (as above).
- The manager to discreetly approach the alleged bully/harasser on your behalf and facilitate a meeting between you and the alleged bully/harasser to agree a way to improve relations
- Offer counselling to both you and the alleged bully/harasser (on an individual basis). This would be provided by an external counsellor in confidence.
- Bring in an external mediator (only with prior permission from you and the alleged bully/harasser)
- Taking disciplinary action

Any action taken should be considered with an HR specialist in the first instance.

c) Taking no action

This means not going ahead with informal or formal action. Some people find it helpful simply to talk over the problem and take no action. This is perfectly acceptable. Alternatively, you may decide to adopt an appropriate response to the harasser or bully that can help resolve the situation. However, if this is what you decide upon, you need to recognise that the situation may continue and your organisation will not be able to resolve the problem for you without your permission.

If you decide to take informal action, ideally your approach should be assertive, confident and direct. Assertiveness is about upholding your own integrity and dignity whilst, simultaneously, recognising the right of others to behave in the same way. Some basic

guidance for behaving assertively when speaking to an individual you feel has harassed or bullied you is given in Appendix 3.

12.2 Formal Action

Where informal action has proved ineffective, is inappropriate, where there has been a recurrence of previous harassment or bullying, or where a serious incident has occurred, you have the option of raising a formal complaint (grievance) via the organisational Grievance Procedure (see Staff Handbook). The grievance should be as concise as possible and contain details of the incident/s as indicated in Preparatory Action. Once raised, your organisation has responsibility for investigating the grievance in order to protect you and give the alleged harasser or bully a fair hearing.

The organisational Grievance Procedure should indicate the person to whom you submit your grievance. If that person is the individual against whom you have a grievance, you need to approach their line manager or, if there is no other employee in management capacity, a Board member.

IMPORTANT NOTE: In the interests of fairness, the alleged harasser or bully will usually be made aware of the nature of the complaint raised against them so that they can respond.

A Grievance Hearing will then normally be held, and you should refer to the Grievance Procedure in the Staff Handbook for information as to the stages of a grievance.

Appendix - Differences between strong management and bullying behaviour when tackling poorly performing teams

Addressing poor performance in teams	Strong management	Bullying
Identifying the performance issue	Involves looking at all the potential reasons for poor performance eg people, systems, training and equipment	No attempt to identify the nature or source of the poor performance
Seeking the views of the team or individual to identify the cause of the unacceptable level of performance	The team takes part in looking for the source of the problems in performance and helps the manager to identify solutions for the whole team	No discussion of the cause of the performance deficit, or opportunities for the team members to discuss their difficulties
Agreeing new standards of performance with all team members	Involves setting and agreeing standards of performance and behaviours for each team member and the manager	Imposing new standards without team discussion on appropriate standards of performance or behaviour
Agreeing the method and timing of monitoring/auditing team performance	Wherever possible the team or team member takes part in the monitoring process. The outcome of the monitoring is openly discussed	Without agreeing standards, the monitoring can occur at any time and can involve areas that are unexpected by team members
Failure to achieve the standards of performance is dealt with as a performance-improvement issue	Opportunities are taken to identify individuals who are struggling, and support is provided. Where individuals are unwilling to comply with the agreed performance-improvement process, disciplinary actions may be taken	Individuals who fail to achieve the standards of performance are put under pressure to conform. This may include ridicule, criticism, shouting, withholding of benefits, demotion, teasing or sarcasm
Recognising positive contributions	Recognises and rewards improvements in performance, attitudes and behaviours	With no monitoring, it's impossible to recognise where there have been positive contributions. Rewards and recognition are therefore arbitrary and open to acts of favouritism

Source: CIPD Guide : Bullying at Work – Beyond Policies to a Culture of Respect.