

Dignity at Work Policy



Document Number: 0015

Document Name: Dignity at Work Policy

Effective Date: 31st May 2019

Document Status: Active

1. Purpose

- 1.1. The Company's objective is to have a workplace which is free from harassment and bullying and to ensure that all employees and contractors are treated with dignity and respect.

2. Policy Scope

- 2.1. This policy applies to all employees and contractors and includes not only their usual work environment, but any work-related functions held out of working hours such as Christmas parties etc.
- 2.2. It is the responsibility of all employees and contractors to comply with this policy and the particular responsibility of Line Managers to ensure that it is carried out, with a view to developing and maintaining a working environment in which harassment and bullying are understood by all to be unacceptable.

3. Policy Details

The Company's position on bullying and harassment.

- 3.1. All employees and contractors have a duty not to bully or harass each other nor to help anyone else to do so.
- 3.2. The Company will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whatever the seniority of the perpetrator and whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in the bringing of a complaint of harassment or bullying.
- 3.3. We will take appropriate action if any of our employees or contractors are bullied or harassed by our customers or suppliers.

4. Harassment Defined

- 4.1. Harassment is defined as any unwanted conduct that intentionally or unintentionally violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive atmosphere.
- 4.2. Harassment can take many forms and can range from mild banter to actual physical violence. Whilst it is usually characterised by more than one incident of unacceptable behaviour, just one incident may constitute harassment if it is sufficiently serious.

5. Bullying Defined

- 5.1. Bullying is usually defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, hostility, denigrate or injure the recipient.

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Last Modified By: Human Resources

Last Modified On: 9th October 2020

Document Owner: HRSS

6. Harassment and Bullying – Examples

- 6.1. Employees/Contractors must remember that everyone will differ in terms of their interpretation of 'harassment' and 'bullying' and what may be acceptable to one person may not be acceptable for another. Harassment and bullying behaviours are defined by how the person feels and not by what the harasser/bully intended.
- 6.2. Harassment and bullying can cause significant stress, fear and anxiety for the recipients and can manifest itself in high absence levels, low morale, poor performance, high turnover and illness.
- 6.3. The following is a list of examples of harassment and bullying but is by no means exhaustive:

- **Sexual Harassment**

Sexual harassment is defined as unwanted verbal or physical advances, sexually explicit statements which have the effect of creating an intimidating environment.

- **Racial Harassment**

Racial harassment is defined as conduct which is intended to cause, or has the effect of causing, physical, or emotional harm or mental distress to a person for reasons of racial, ethnic or national origins, or for reasons of colour.

- **Examples of Harassment might be:**

- Physical abuse (pushing, shaking or blocking someone's way).
- Shouting and swearing at an individual, making threats.
- Personal insults and name calling.
- Spreading malicious rumours.
- Persistent criticism and belittling individuals.
- Excessive close supervision with unreasonable fault-finding or excessive workloads.
- Setting unrealistic targets on purpose, setting people up to fail.
- Removing responsibility and allocating menial tasks.
- Freezing people out, ignoring them.
- Racial abuse.
- Insensitive jokes or pranks or lewd comments.
- Deliberate exclusion from conversation or teamwork.
- Lewd comments about physical appearance.
- Displays of sexually offensive material (e.g. pin ups).
- Requests and insistence on sexual favours, actual sexual violence.
- Threat of dismissal, loss of promotion for refusal for sexual favours.
- Unnecessary physical contact.
- Persistent verbal or physical advances of a sexual nature.
- The transmission of offensive materials or statements via electronic means or through the post or noticeboards.
- Offensive comments about personal characteristics or lifestyle.
- Photographs or drawings which are sexually explicit in nature which may be deemed offensive.

- Offensive graffiti.
- Offensive language.
- Unwanted physical content, offensive jokes or pranks of a sexual nature.
- Harassment of persons on grounds of their actual or perceived sexual orientation.

6.4. Bullying does not include constructive criticism of an employee's behaviour or discussions regarding performance management.

6.5. It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity.

7. What should you do if you are being bullied or harassed by a customer or supplier?

7.1. If you are being bullied or harassed by a customer, supplier or someone else with whom you come into contact at work, please raise this with your immediate manager. We will then decide how best to deal with the situation, in consultation with you.

8. What should you do if you are being bullied or harassed by a colleague?

8.1. If you are being bullied or harassed by another employee or contractor, there are two possible resolution avenues for you. These are informal resolution or via the formal complaints procedure.

9. Informal Resolution

9.1. If you are being bullied or harassed by another employee or contractor, you may be able to resolve the situation yourself by explaining clearly to the person(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask a colleague or a member of the HR department to put this forward on your behalf, or to be with you when bringing the matter to the attention of the person(s).

9.2. If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with your HR Advisor. They can try to resolve the situation informally by telling the person(s), without prejudging the matter, that: there has been a complaint that their behaviour is having an adverse effect on a fellow employee; such behaviour is contrary to our policy; and the continuation of such behaviour could amount to a serious disciplinary offence. It may be possible for the Human Resources Department to have this conversation with the alleged person without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

9.3. If your complaint is resolved informally, the alleged person(s) will not be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of sexual harassment or in cases where the behaviour has occurred before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

10. Formal Complaint Procedure

10.1. If informal resolution is unsuccessful or inappropriate, you can make a formal written complaint about the harassment or bullying to your Line Manager or the HR Advisor. A formal complaint may ultimately lead to disciplinary action against the person(s).

10.2. We will first investigate the complaint. You will need to co-operate with the investigation and provide the following details (if not already provided): the name of the alleged person(s), the nature of the harassment or bullying, the dates and times the harassment or bullying occurred, the names of any witnesses and any action taken by you to resolve the matter informally. The alleged person(s) would normally need to be told your name and the details of your complaint for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible.

10.3. Where you and the alleged person(s) work in proximity to each other, we may think it inappropriate for you to continue to do so whilst the complaint is being investigated and during any consequent disciplinary proceedings. If so, we may decide to:

- Transfer one of you;
- Transfer both of you;
- Suspend one of you home on full pay; or
- Suspend both of you home on full pay.

10.4. After the investigation, we will meet with you to consider the complaint and the findings of the investigation. At the meeting, you may be accompanied by a fellow worker or a trade union official.

10.5. After the meeting (and normally within seven working days), we will write to you to inform you of our decision and to notify you of your right to appeal to a more senior manager if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with our decision. You should submit your appeal within fourteen days of receiving written confirmation of our decision. If you submit an appeal, you will normally be invited to attend a meeting to consider it. We will write to you afterwards to confirm our final decision.

10.6. Where we think that a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

11. Confidentiality, data protection and record keeping

11.1. We aim to deal with complaints of bullying and harassment sensitively and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with a complaint under this procedure.

11.2. Conducting investigations and formal meetings under this procedure involves us processing the personal data of the employees concerned. We use this personal data to investigate and deal with complaints of bullying and harassment.

11.3. Our legal grounds for doing so are that it is necessary:

- to comply with our legal obligations (e.g. to investigate and deal with bullying and harassment complaints in accordance with our duty of trust and confidence to our employees);
- to ensure a safe working environment under health and safety laws;
- for the performance of the employment contract (i.e. to investigate and deal with bullying and harassment complaints in accordance with our duty of trust and confidence to our employees);
- in our legitimate interest to deal effectively with bullying and harassment complaints, whether you are the subject of them or are otherwise connected to the issues raised.

11.4. Special category data¹ and data relating to criminal convictions or offences may occasionally need to be processed under this procedure – for example, where an employee asserts that they are being bullied or harassed because of their race or sexual orientation, or where an employee requires a reasonable adjustment to the procedure to accommodate a disability. Our additional legal grounds for using such data are that this is necessary: to exercise legal rights/comply with legal obligations in relation to employment; and to establish, exercise or defend legal claims.

11.5. Where we take witness statements from employees with information about the complaint being investigated under this procedure, such statements will be treated confidentially and will only be shared with individuals who need to be involved in the process. This will ordinarily be: HR; the person/people conducting investigations; and the managers conducting any formal meeting or appeal. In addition, if in the course of the procedure it becomes apparent that misconduct has taken place which requires investigation under our disciplinary policy, witness statements taken under this procedure may be used in any subsequent disciplinary procedure and may therefore be shared with the person/people conducting investigations and hearings, as well as the employee whose conduct is the subject of disciplinary proceedings, to enable them to prepare for the hearing and respond to the allegations against them.

11.6. We will ordinarily keep records of complaints dealt with under this procedure for 12 months from the date of completion of the procedure. However, there may also be circumstances in which it is appropriate for us to keep particular records under this procedure for a longer period. In such circumstances, we will decide how long records should be retained in accordance with the criteria set out in our main employee privacy notice.

11.7. More general information, including details of who your personal data is shared with, your rights under data protection law and who you should contact if you have any concerns, is contained in our main employee privacy notice, a copy of this can be obtained from the HR or Compliance Departments.

¹ (i.e. personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, or biometric or genetic data that is used to identify an individual)

12. Related Policies

- 12.1. Disciplinary
- 12.2. Grievance
- 12.3. Equality & Diversity