

# DIGNITY AT WORK POLICY

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## 1. INTRODUCTION

- 1.1 The organisation is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Harassment and bullying can have very serious consequences for individuals and the organisation. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships. It may also affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on the organisation can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the organisation's reputation. Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, they could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may also be a criminal offence.

**The organisation will not tolerate bullying and harassment of any kind.** All allegations of bullying and harassment will be investigated and if appropriate disciplinary action will be taken. The organisation will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or for supporting someone to make such a complaint. Victimisation is a disciplinary offence.

## KEY PRINCIPLES

- 1.2 This policy is based upon the following key principles:
- The policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone engaged to work at the CCG, whether by direct contact or otherwise;
  - If the complainant or alleged harasser is not employed by the organisation, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the organisation could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings;
  - The policy covers bullying and harassment in the workplace and in any work-related setting outside of the workplace, e.g. business trips and work-related social events.

## 2. EQUALITY IMPACT ASSESSMENT

- 2.1 This document has been assessed for equality impact. This policy is applicable to every member of staff within the organisation and In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

## 3. POLICY

### DEFINITION

- 3.1 **Bullying** – this is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.
- 3.2 **Harassment** – this is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:
- Has the purpose of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
  - Is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.
- 3.3 **Victimisation** – this is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he/she has made a complaint or giving him/her a heavier or more difficult workload.

## GUIDING PRINCIPLES

- 3.4 The procedure should be made readily available to all employees.
- 3.5 The organisation will respond to complaints promptly and within a reasonable/mutually agreeable time frame.
- 3.6 The organisation will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.
- 3.7 A single incident can be harassment if it is sufficiently serious.
- 3.8 All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the organisation's disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.
- 3.9 Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

## 4. STAGE 1 - INFORMAL RESOLUTION

- 4.1 Employees must aim wherever possible to resolve grievances informally. The person may not know that his/her behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his/her behaviour and agree to change it.
- 4.2 The complainant may feel able to approach the person themselves, or with the help of someone a manager, trade union representative or another employee. Alternatively, an initial approach could be made on the behalf of the employee by one of these people. It should be made clear that the behaviour is found to be offensive and unwelcome and ask that it stops immediately. The employee may also wish to be explicit that, if the behaviour continues, they intend to make a formal complaint, using the Grievance

Procedure, to their line manager or, if appropriate, more senior colleague. The employee should keep a note of the date this was done.

- 4.3 If it is not possible to resolve the issues informally or if the complainant perceives the issues to be of significant seriousness and does not feel that the informal route is appropriate, the matter should proceed to the formal stage of the organisation's Grievance Policy.

## 5. STAGE 2 - FORMAL RESOLUTION

- 5.1 A formal complaint should be made using the organisation's Grievance Procedure.
- 5.2 The organisation will ensure that the complainant can raise their concerns with someone of the same sex as the employee, if that is the individual's choice.
- 5.3 In very serious cases, a criminal offence may have been committed and the employee may wish to report matters to the police.
- 5.4 Investigations of allegations will normally require limited disclosure on a 'need to know' basis. For example, the identity of the employee and the nature of the allegations must be revealed to the person the complaint is about, so he/she is able to respond to the allegations.
- 5.6 If a complaint is upheld, it may be necessary to share information about the allegations to manage the risk of further harassment by that person against others.
- 5.7 If the complaint is upheld, and the person found to have bullied or harassed remains in the organisation's employment, every effort will be made to ensure that, if possible the employee does not have to continue to work alongside the harasser, if they do not wish to do so. Options will be discussed with the employee or, if they wish, consideration may be given to them transferring to a suitable post.

### Examples of Bullying and Harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email (so-called "flame-mail").

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled;
- ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact, have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;
- picking on someone or setting him/her up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- excluding someone from social activities.

### **What should I do if I think I am being bullied or harassed?**

You may be able to sort out matters informally. The person may not know that his/her behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his/her behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of a manager, trade union representative or another employee. Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the organisation's grievance procedure. In the case of grievances about bullying or harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your manager or directly with the human resources department. The organisation will ensure that you can bring your complaint in the first instance to someone of your own sex, if you so choose.

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings. The organisation will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred.

The organisation will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so he/she is able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed you is kept in the organisation's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

Wherever possible, the organisation will try to ensure that you and the alleged harasser are not required to work together while the complaint is under investigation. This could involve giving you the option of remaining at home on special leave, if you wish. In a serious case, the alleged harasser may be suspended while investigation and any disciplinary proceedings are underway.

If your complaint is upheld, and the person found to have bullied or harassed you remains in the organisation's employment, every effort will be made to ensure that, if possible, you do not have to continue to work alongside the harasser, if you do not wish to do so. We will discuss the options with you. These may include the transfer of the harasser or, if you wish, you may be able to transfer to another post.

If your complaint is not upheld support maybe offered to you and the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships i.e. mediation.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months beginning with the act complained of.

### What can I do to help stop bullying and harassment?

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying to your manager or human resources and supporting the organisation in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment; and
- report promptly any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

### **What happens if I am accused of bullying or harassment?**

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and the organisation may bring disciplinary proceedings, if appropriate. The organisation will follow its disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put your side of the story and to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

The organisation will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

Wherever possible, the organisation will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded. Suspension does not constitute disciplinary action or sanction.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the organisation could decide to transfer you to another post where able.

If a complaint is made against you that is not upheld and the organisation has good grounds for believing that the complaint was not made in good faith, the organisation will take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported him/her in making the complaint or given evidence in relation to such a

complaint. Disciplinary action will be taken against you if the organisation has good reason to think that you may have victimised the complainant or someone else.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of the organisation's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.