

# Dignity at Work Policy

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## 1 Introduction

**1.1** The University of the West of England (UWE) is committed to providing an environment that is stimulating and supportive and free of harassment, bullying and victimisation, by any person whether University employee, student or an external third party.

**1.2** All staff have a right to be treated, and have an obligation to treat others, with dignity and respect. Bullying and harassment can seriously worsen working, studying and social conditions at the University.

**1.3** The University's Equality and Diversity Policy sets out the commitment towards the development of inclusive and supportive learning and working environments for all students and staff, where all individuals have the opportunity to fulfil their potential.

**1.4** The University is determined to eradicate any harassment, bullying and victimisation and will maintain a zero tolerance approach to unacceptable behaviour at work.

**1.5** The effects of unacceptable behaviour can be wide ranging and include:

- Damage to morale
- Poor performance/reduced efficiency
- Increased absence and ill health (particularly stress related)
- Poor customer service
- Increased staff turnover
- Possibility of legal action being taken

**1.6** The policy is designed to ensure that staff are confident, if they bring a complaint in good faith, that the matter will be dealt with according to the procedure and that they will not be subsequently victimised or disadvantaged in any way.

**1.7** The University recognises that informal channels can be a preferred means of preventing or stopping harassment, bullying or victimisation. Any reported incidents will be regarded seriously and dealt with appropriately by the University.

**1.8** Appendix 1 contains definitions and examples of harassment, bullying and victimisation.

## **2 Purpose and scope**

**2.1** The purpose of this policy is to define acceptable behaviours for staff, outline the legal position and identify the responsibilities of managers and members of staff. The policy also outlines the procedure for action when behaviour falls short of the standards of acceptable behaviour.

**2.2** This policy follows the ACAS (Advisory, Conciliation and Arbitration Service) guidance on bullying and harassment at work and references the Equality Act 2010. It has been agreed with the staff trades unions (University and College Union, Unison and Unite).

**2.3** The policy applies to all members of staff and the University recognises that the person responsible for unacceptable behaviour may be a manager, co-worker, team member or subordinate.

**2.4** Unacceptable behaviour by students is dealt with under the Policy for Bullying and Harassment of or by students.

**2.5** The policy does not cover staff grievances. Grievances, which arise directly out of an employee's employment or working practices of the University e.g. organisational change, new working practices, should be dealt with under the University's Grievance Procedure.

### **3 Key principles**

**3.1 Timeliness** - Every reasonable effort will be made to deal with complaints in a timely manner, balancing the need to resolve issues quickly with the need to ensure that they dealt with appropriately. It is recognised that delay results in stress for all parties involved and should be avoided.

**3.2 Confidentiality** – All information concerning complaints must be treated in the strictest confidence in order to protect those involved. Matters will be dealt with confidentially and sensitively by all parties involved.

**3.3 Awareness** – Managers and staff will be made aware of the acceptable standards of behaviour and the policy via University communications. All newly appointed staff will be advised about the policy as part of their induction.

**3.4 Support** – Appendix 2 details those people who can be contacted by members of staff for confidential support and/or advice at any time on how to deal with situations.

**3.5 Equality and diversity** – At all stages proper consideration should be given to the equality and diversity implications and needs of the individuals involved to ensure that matters are dealt with in a fair and equitable way. Information about the sources of support and advice available will be provided to all parties involved in any complaint.

### **4 Responsibilities**

**4.1 Staff** – Staff have a responsibility to treat all colleagues with dignity and respect and take appropriate measures to ensure that bullying, harassment or victimisation does not occur.

**4.2** Staff have a responsibility to report any witnessed or suspected incidents of harassment, bullying or victimisation immediately to their line manager or contact one of the people listed in appendix 2 for support and/or advice.

**4.3 Managers** – Managers should maintain appropriate levels of communication with and supervision to staff; providing information and acknowledging achievement. Managers should hold regular 1 to 1 meetings, team meetings and performance development reviews (PDRs).

**4.4** Managers should themselves demonstrate a high standard of behaviour and demonstrate to staff what behaviour is acceptable and expected at work.

**4.5** Managers should help create a working environment in which staff feel able to challenge inappropriate behaviour.

**4.6** Managers have a responsibility to treat their staff fairly with consideration for their dignity.

**4.7** Appropriate action should be taken by managers to stop unacceptable behaviour if it occurs and ensure all incidents are dealt with seriously, promptly and fairly. Managers should keep notes of actions taken and follow up with employees to ensure the situation has improved.

## **5 Acceptable behaviour**

**5.1** All staff members within the University are expected to:

- treat all others with dignity and respect
- conduct themselves professionally
- not behave in a manner that could be offensive to others
- be pro-active in developing and maintaining effective working relationships
- take appropriate action where there are difficulties in working relationships

**5.2** Behaviour that is offensive to one individual may not be to another, but most of the time people are able to judge correctly how they should behave. Differences of opinion are to be respected, although there are occasions when behaviour can become undermining and destructive. On these occasions staff should be entitled to point this out without becoming subjected to a violation of their dignity.

**5.3** Unacceptable behaviour may constitute a pattern of repeated behaviours in which individual incidents are borderline, but which taken together, breach the bounds of acceptability. The behaviour does not need to be ongoing; a single event of unreasonable behavior is enough for the employee to make a complaint.

**5.4** There are some types of behaviour that would always be considered to fall below the threshold of acceptability. These include assault, discrimination, harassment, bullying or victimisation.

**5.5** Unacceptable behaviour should not be confused with normal management authority carried out in a reasonable manner, including legitimate, constructive and fair criticism of staff performance or conduct.

## **6 Procedure for dealing with complaints**

**6.1** Every effort should be made to use informal means to stop the perceived offensive behaviour. Many people are unaware that their behaviour is unacceptable and if this is clearly pointed out to them, the problem can often be resolved. It is important to raise issues as soon as possible after the event so that the details are still fresh in people's minds.

**6.2** The complainant could approach the person(s) directly and make it clear which aspect of their behaviour is considered unacceptable, explain the effect this is having on them and ask them to stop. The complainant may determine how to approach the person e.g. by asking for a confidential meeting.

**6.3** If the complainant finds it difficult to approach the person(s) they could contact the following people in confidence for support and/or advice on how to deal with the situation. Further details can be found in Appendix 2.

- Line manager
- Dignity at Work Adviser
- Human Resources
- Trades union representative
- Right Management Adviser (via the Right Management Employee Assistance Programme)
- A member of Equality and Diversity team
- Staff networks - Lesbian, Gay, Bisexual and Transgender (LGBT) network, Black and Minority Ethnic (BME) forum, Women's forum, Christian network

**6.4** Where the complainant is unable or does not wish to approach the person(s) directly they should discuss the matter with their immediate line manager. It may be useful for the complainant to capture the nature of their complaint in writing e.g. the name of the member of staff against whom the complaint is being made, the nature of the unacceptable behaviour complained about, dates and times when the offences occurred, examples of specific incidents any supporting evidence (e.g. emails), names of any witnesses to the incident(s).

**6.5** If the line manager is the subject of the complaint, the complainant should report to the next line manager or Human Resources, who will consider the most appropriate resolution.

**6.6** The line manager will assess the situation and advise on the most appropriate intervention to resolve the matter. This may include:

- The line manager assisting the complainant to raise the issue with the person concerned.
- The line manager meeting confidentially with both parties, either separately

- or together so that there is an understanding of the behaviour, its effect and an agreed outcome on what changes in behaviour are necessary.
- Using a source of support and advice – (appendix 2)
  - The use of an independent mediator - mediation is a voluntary process where the mediator helps two or more people in dispute to find an agreeable solution to an issue. Advice should be sought from Human Resources.
  - Provision of training, coaching, mentoring or counselling for relevant staff determined by the line manager. Anonymity will be provided to the member of staff who raised the complaint.
  - Undertaking a work-related stress risk assessment – further details can be found on the Health and Safety Stress at Work webpage.

This is not an exhaustive list and other options may be possible.

**6.7** Line managers should keep a note of any discussions relating to the complaint and document interventions agreed. Line managers should monitor the situation and follow up with the complainant to ensure that there is no repetition of the problem.

**6.8** The line manager may conclude that a disciplinary offence has occurred and the University's Procedure for dealing with matters of Conduct should be invoked. The line manager should contact Human Resources for advice.

**6.9** If the complainant feels that their complaint has not been dealt with appropriately they may choose to raise a formal grievance under Stage 2 of the Grievance Procedure to resolve their complaint.

## **7 Guidance for those accused of unacceptable behaviour**

**7.1** The University recognises that it can be distressing for a member of staff to have a complaint made against them, particularly where they have acted appropriately (e.g. a manager managing the performance or conduct of a member of staff). Staff may contact one of the people listed in appendix 2 for support and/or advice if they have a complaint made against them.

## **8 Monitoring and review of policy**

**8.1** Confidential monitoring of the use of the Dignity at Work Advisers will be undertaken annually. Results of the staff survey question relating to whether staff feel able to report bullying and harassment will be monitored in future surveys.

**8.2** Review of the Dignity at Work Policy will be undertaken by the Human Resources department.

## Appendix 1 Definitions and examples of harassment, bullying and victimisation

### Harassment

The Equality Act 2010 harmonised and replaced previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995). The Act defines harassment 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. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Harassment applies to all protected characteristics, except pregnancy and maternity, where any unfavourable treatment may be considered discrimination. Marriage and civil partnership are also not covered.

Examples of behaviour which is likely to constitute harassment are:

- verbal abuse - including verbal threats, derogatory name calling, insults, ridicule or belittling of another person
- physical assault or threat of violence
- intrusive behaviour - invasion of personal space, pestering, spying or stalking
- persistent, unwelcome contact - including text messages, emails, phone calls, gifts
- exclusion - from normal conversation in the work environment or from social events
- deliberately undermining someone - by spreading malicious lies, making insulting comments or bringing a vindictive allegation of unacceptable behaviour
- display or circulation of abusive or offensive materials on paper or electronically
- sending offensive text messages
- using humour to put another person or group of people down e.g. telling jokes that are sexist, racist or about an individual's sexual orientation

The complainant need not possess the relevant protected characteristic themselves.

Harassment can be carried out face to face, in writing (including emails and social media) via telephone or visual images. The unreasonable behavior can occur away from the workplace, for example social events, Christmas parties.

Harassment can be because of perception or association and examples of harassment are provided below.

### **Example of harassment**

Jean works in an open plan office and the majority of her colleagues are younger than her. Her colleagues tell jokes and recently one referred to 'older women'. Although the joke was not directly related to her and she was not involved in the conversation, Jean took offence to the joke and complained of harassment to her line manager.

### **Example of harassment**

Beverly's colleagues were viewing pornography on their workplace computers. Beverly did not view the computer screen, but overheard comments that she felt were unacceptable in relation to the images. This scenario amounts to harassment even though the pornography was not visible to Beverly. Beverly raised the issue with her line manager.

### **Example of harassment by association**

John is disabled and is claiming harassment against his line manager after he frequently teased and humiliated him about his disability. Dave shares an office with John and he too is claiming harassment, even though he is not disabled, as the manager's behaviour has also created an offensive environment for him.

### **Example of harassment by perception of sexual orientation**

Simon is continually being called a gay and other related names by a group of employees at his work. Derogatory homophobic comments have been posted on the staff notice board about him by people from this group. Simon was recently physically pushed to the floor by one member of the group but is too scared to take action. Simon is not gay but heterosexual; furthermore the group know he isn't gay.

## **Bullying**

Bullying is a form of harassment but does not need to be related to any protected characteristic. As with other forms of harassment there is no requirement to demonstrate intent to bully. The ACAS definition of bullying is: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Examples of behaviour which is likely to constitute bullying are:

- psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault finding of any colleague or peer
- asserting a position of superiority in an aggressive, abusive or offensive manner, including via electronic media
- preventing an individual progressing by intentionally blocking promotion or training opportunities
- preventing access to resources
- unfair allocation of work and responsibilities or setting unreasonable

goals or targets in work

- abuse of power or behaviour that causes fear or distress for others
- acting unreasonably by failing and refusing to listen, reflect and take appropriate account of the position or needs of other people
- withholding work by refusing to delegate appropriately, punishing competent people by removing their responsibilities, unreasonably limiting their access to facilities, treating people in an unprofessional manner, or refusing to follow agreed and fair procedures

The key criterion is that actions or comments are viewed as offensive and unacceptable by the recipient. The unreasonable behavior does not need to be directed at an employee for them to view it as offensive and make a complaint.

Bullying can be carried out face to face, in writing (including emails and social media) via telephone or visual images. The unreasonable behavior can occur away from the workplace, for example social events, Christmas parties.

### **Example of bullying**

Yusuf and Sarah work in the Finance department. Their manager, Peter, has taken on more work and seems to be finding the pressures hard to cope with. Yusuf works closely with Peter and appears to be bearing the brunt of this pressure. Sarah has frequently witnessed Peter shouting at Yusuf and is afraid that Peter's aggressive behaviour is making Yusuf ill. Sarah advises Yusuf to report the issue to Peter's line manager if he is not comfortable approaching Peter himself.

### **Examples of anti-gay bullying or harassment include:**

- making homophobic insults and threats
- making unnecessary and degrading references to an individual's sexual orientation
- engaging in banter or making jokes which are degrading to a person's sexual orientation or perceived sexual orientation
- outing an individual as LGB without their permission
- ignoring or excluding a colleague from activities because they are LGB
- spreading rumours or gossip about an individual's sexual orientation
- asking an LGB colleague intrusive questions about their private life
- making assumptions and judgements about a colleague based on their sexual orientation
- using religious belief to justify anti-gay bullying and harassment

## **Victimisation**

Victimisation is defined in the Equality Act as occurring when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so.

Victimisation can be described as subjecting a member of staff to unfavourable treatment because in good faith they have:

- taken out court proceedings under the Equality Act, other similar legislation or they have indicated their intention to do so
- given evidence or information in connection with the proceedings
- done any other thing for the purposes or in connection with the Equality Act
- participated in an investigation of a complaint, or participated in any disciplinary hearing arising from an investigation
- made an allegation that a person has harassed or unlawfully discriminated against them
- made a relevant pay disclosure

The Equality Act provides protection against victimisation for all the protected characteristics.

The Protection from Harassment Act 1997 also makes harassment potentially a criminal offence and gives the harassed party the right to legal redress.

## **Harassment, bullying and victimisation by electronic methods**

The use of electronic communication is increasing, which potentially increases the likelihood of bullying, harassment and victimisation by electronic means.

Examples are:

- downloading, displaying or printing offensive material from an internet source in the presence of or for distribution to another person or group of people
- using, displaying or saving offensive materials (e.g. screensavers, webpages, photographs etc) which are accessed, or viewed by another person or group
- sending or forwarding emails which contain content that could be perceived as bullying or harassing in nature; according to the definitions within this policy

The University's IT Acceptable Use Policy provides further guidance.

## **Harassment, bullying and victimisation by an external third party**

Staff who feel they have been harassed, bullied or victimised at work by an external third party who is not a member of the University (e.g. sub-contractor, client or customer) must report the incident to their line manager who will determine the most appropriate course of action. Action will vary dependent upon the nature of the complainant's role and their contact with the external party. The University may be liable for the harassment of employees by a third party if harassment has occurred on at least two occasions, the manager is aware that it has taken place and has not taken reasonable steps to prevent it from happening again.

## Appendix 2 Sources of support and advice

Staff who feel that they have been subjected to or witnessed behaviour that they feel is inappropriate have several people who they can contact for support and advice on how to deal with the situation:

**Dignity at Work Advisers** – the network of Advisers offer free confidential advice and support to staff. Advisers will listen and help to identify options to enable staff to deal with their particular situation. Advisers are staff volunteers who have undertaken training to equip them for the role. Further information is available on the Human Resources webpage or via Teresa Stephens, Learning and Development Centre [Teresa2.Stephens@uwe.ac.uk](mailto:Teresa2.Stephens@uwe.ac.uk).

**Immediate line manager** or line manager's manager, if the line manager is the subject of their complaint.

**Human Resources Adviser** – Human Resources can be contacted on x85111 or via [HR@uwe.ac.uk](mailto:HR@uwe.ac.uk)

**Trades Union representative** – details of the 3 trades unions (Unison, UCU and Unite) and contact details of Representatives can be found via links on the UWE intranet.

**Right Management Employee Assistance Programme (EAP)** - offers staff access to a free confidential telephone helpline on 0800 1116 387, 24 hours per day, 365 days per year. The service offers advice and support on a range of personal, emotional and legal matters. More information is available on the EAP website: <http://wellness.rightmanagement.co.uk>

**A member of the Equality and Diversity team** - can listen to staff and provide informal support. Contact details can be found on the Equality and Diversity webpage.

**Staff networks** – are run by staff for staff and bring together people from across the University who identify with a group relating to one of the University's six equality strands (gender, race, disability, age, faith and sexual orientation). More information can be found on the Equality and Diversity webpage.