

<b>Dignity at Work Policy and Procedure</b>	
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<b>Compliance lead</b>	Director of People, Employee Engagement and PSTE
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## DIGNITY AT WORK POLICY AND PROCEDURE

### 1 Introduction

- 1.1 The Trust is committed to supporting, developing and promoting equality and diversity in all of its practices and activities. We aim to establish an inclusive culture, free from discrimination and based on the values of dignity, courtesy and respect. We recognise the right of every person to be treated in accordance with these values.
- 1.2 The failure of staff to behave with dignity, courtesy and respect towards others can harm individuals and impair the functioning and reputation of the Trust. Harassment, bullying and victimisation can cause fear, stress and anxiety, which impose strains on work, study, personal and family life. They can lead to illness, accidents, absenteeism, poor performance, an apparent lack of commitment, and staff resignation. As such, harassment, bullying and victimisation are unacceptable forms of behaviour and will not be tolerated.
- 1.3 The Trust will not tolerate incidents of harassment against staff by third parties, including project partners, clients, contractors or visitors. Any examples of such harassment should be brought to the attention of your line manager, tutor or manager immediately.
- 1.4 Any allegation of harassment, bullying or victimisation will be treated seriously, regardless of the seniority of those involved, and anyone found to have behaved unacceptably may be the subject of disciplinary action up to and including dismissal.
- 1.5 Fair criticism of staff performance or conduct will not be considered to be bullying or harassment, provided that those involved are treated with dignity, courtesy and respect.
- 1.6 We are committed to taking action to resolve disputes and conflict early on, wherever possible, and work in partnership with key parties across the Trust to develop positive approaches to conflict and dispute resolution.
- 1.7 We recognise that some issues affecting dignity at work can arise out of miscommunication, misunderstandings and relationship difficulties. The Trust has a mediation policy and under this policy can facilitate discussions between parties where someone alleges that their dignity has been affected. This opportunity will

be offered in these cases in the first instance, although it is not compulsory. Anyone who chooses to attend a mediation session will not be prevented from recourse to the Trust's other procedures.

1.8 This policy applies to all individuals working at all levels of the Trust, including senior managers, officers, directors, employees, consultants, contractors, trainees, home workers, part-time and fixed-term workers, casual and agency staff, and volunteers (collectively referred to as staff in this policy).

1.9 This Dignity at Work Policy and Procedure may be amended, withdrawn, suspended or departed from at the discretion of the Trust. While it does not form part of any employee's contract of employment and is entirely non-contractual, all employees are required to adhere to the policy and any failure to comply with any aspect of the policy may be treated as a disciplinary matter. The Trust may also vary any parts of this procedure, including any time limits, as appropriate in any case.

## **2. Objectives of this policy**

1.1 The aims of this policy are to: -

- promote a positive environment in which people are treated fairly and with respect
- encourage all staff to play a role in creating and maintaining an environment in which harassment, bullying and victimisation are understood to be unacceptable behaviour
- provide a framework of support for staff who feel that they have been the subject of harassment, bullying or victimisation
- ensure that allegations of harassment, bullying or victimisation are addressed fairly, with respect for the rights and dignity of all those involved
- identify the appropriate formal processes by which complaints can be raised.

## **3 Legal Framework and Personnel**

### **3.1 The Trust's Commitment**

3.1.1 The Trust has a duty to provide staff with a safe place and system of work. This includes a workplace free from harassment, intimidation, victimisation and bullying where staff can operate effectively, confidently and competently. If a complaint is brought to the attention of the management within the Trust then it will be investigated promptly and the disciplinary and dismissal procedure may be invoked if the complaint is upheld and in serious cases may be treated as gross misconduct leading to summary dismissal.

3.1.2 The Trust also has a responsibility for ensuring that staff are protected from unlawful harassment, bullying, victimisation or discrimination in the course of their work on grounds of their gender, sexual orientation, marital or civil partnership status, adoption leave, pregnancy or maternity leave, gender reassignment, race, religion or belief, disability or age. In certain circumstances harassment can amount to unlawful discrimination. This policy serves to demonstrate the Trust's commitment to identifying and wherever possible eliminating such unlawful behaviour.

### **3.2 Overall Responsibility**

3.2.1 The Trustees have overall responsibility for this policy but has delegated day-to-day responsibility for overseeing and implementing action required

under it to the Director of People, Employee Engagement & PSTE. Responsibility for monitoring and reviewing the operation of the policy and any recommendations for changes to the policy lies with Department of Human Resources.

### **3.3 Line Managers' Responsibility**

3.3.1 Line managers have a specific responsibility to operate within the boundaries of this policy and to facilitate its operation by ensuring that the staff they manage understand the standards of behaviour expected of them and by identifying and acting upon behaviour that falls below these standards. Line managers will be given training on the relevant legal and operational framework and best practice.

### **3.4 Staffs' Responsibility**

3.4.1 All members of staff are responsible for treating their colleagues with dignity and respect and for the success of this policy. All staff should ensure that they take the time to read and understand it. Staff should consider whether their words or conduct could be offensive to others. Even unintentional harassment or bullying is unacceptable. Staff should disclose any instances of harassment, victimisation, intimidation bullying of which they become aware to their line manager or a member of the Department of Human Resources. Questions about this policy should be directed to the Department of Human Resources.

### **3.5 Contractors and Service Providers' Responsibility**

3.5.1 All contractors and service providers are responsible for complying with this policy and all other legislative requirements as set out in any contracts with the Trust.

## **4 What are Harassment and Bullying?**

### **4.1 Definition of Harassment**

4.1.1 Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of (intentionally or unintentionally), affecting a person's's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for others. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

4.1.2 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to a protected characteristic such as age, disability, gender reassignment, gender expression or identity, pregnancy or maternity (including breastfeeding), race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

### **4.2 Instances**

4.2.1 Harassment generally arises where a member of staff has made it clear that they find certain behaviour unwelcome and that behaviour has continued unchanged. Harassment can also arise as a result of a single incident provided it is sufficiently serious. It is important to remember that

even though the conduct may only be unwanted or offensive to one individual it can still amount to harassment. Staff who believe they are being subjected to harassment should not hesitate to use the procedures set out below. All staff should consider whether their actions could be offensive to others.

#### 4.2.2 Examples of harassment might include:

- unwanted physical contact, ranging from touching or brushing against another staff's body to assault or coercing sexual relations;
- unwelcome sexual advances, propositions or pressure for sexual activity, whether in person, email or social media;
- continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome, whether in person, email or social media;
- offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- mocking, mimicking or belittling a person's disability;
- suggestions that sexual favours may further a staff's career or that refusal of sexual favours may hinder it;
- outing or threatening to out someone as gay, lesbian, bisexual or trans;
- the sending or displaying of material that is pornographic or obscene or that some individuals or groups may find offensive (including e-mails, Text messages, video clips and photographs taken or sent using personal or work mobile phones or via the internet), or the publication of such material on social networking sites;
- conduct that denigrates or ridicules a member of staff because of his or her sex, race, sexual orientation, disability, religion or age including abuse or insults about appearance or dress;
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- inappropriate behaviour whether in the form of offensive or intimidating comments or gestures or insensitive jokes or pranks; and
- ignoring or shunning someone, for example, by deliberately excluding him or her from conversation or from a workplace social activity.

The list is not exhaustive and other behaviour may constitute harassment.

4.2.3 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment.

### 4.3 Definitions of Bullying

4.3.1 Bullying means offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which makes the recipient feel vulnerable, upset, humiliated, undermined, threatened or socially excluded. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying does not include legitimate and constructive criticism of your performance or behaviour, an occasionally raised voice, or an argument.

#### 4.3.2 Examples of bullying include:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- setting up someone to fail by giving them unachievable tasks, an unmanageable workload or impossible deadlines, or making unreasonable demands;;
- physical or psychological threats;
- inappropriate monitoring or overbearing and intimidating levels of supervisions;
- inappropriate and/or derogatory remarks about someone's performance;
- giving someone too little work or work that is below their competence;
- removing or reassigning a person's responsibilities without justification;
- deliberately withholding training or resources from someone that are necessary for them to perform the role, or opportunities for advancement or promotion;
- making inappropriate threats or hints about job security;
- withdrawing or refusing reasonable support.
- abuse of authority or power by those in positions of seniority;
- unjustifiably excluding colleagues from meetings or communications.

#### 4.4 **Victimisation**

4.1 Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination, bullying or harassment, or supported someone else's complaint.

#### 4.5 **Conduct Outside the Workplace**

4.5.1 This policy covers harassment, intimidation or bullying which occurs both in the workplace itself and in settings outside the workplace, such as business trips, events or social functions organised for or on behalf of the Trust and on or off Trust premises

4.45.2 This policy covers harassment, intimidation or bullying which occurs outside the workplace by different methods of communication such as verbal, text, email and social media.

### 5 **What to do if you have been Harassed, Intimidated, victimised or Bullied: The Informal Procedure**

#### 5.1 **Stage 1**

5.1.1 If you consider that you are being harassed, intimidated, bullied or being victimised, you should initially attempt to resolve the problem informally, explaining clearly to the person responsible that the behaviour in question is not welcome and that it offends you or makes you uncomfortable.

## 5.2 Stage 2

- 5.2.1 If Stage 1 is too difficult or embarrassing for you to do on your own, you should seek support from your line manager and/ or the Department of Human Resources. They will provide confidential advice and assistance to staff who have been harassed, intimidated, victimised or bullied and will assist in the resolution of any problems, whether through formal or informal means. If the person concerned is your line manager or your point of contact or more senior to yourself, you should ask the person at the next or appropriate level of management to speak to them.
- 5.2.1 If the line manager or the Department of Human Resources feels that that the information disclosed to them is significantly serious enough to warrant a formal investigation, they will be required to act on this information and carry out fact finding and instigate a potential investigation. You will be informed of this by your line manager or the Department of Human Resources and you will be provided with appropriate support if required.

## 5.3 Stage 3

- 5.3.1 If the conduct continues or if it is not appropriate to resolve it informally, you should keep a record of any relevant incidents and follow the formal procedure set out below.

## 5.4 Guidance

- 5.4.1 If you are in any doubt as to whether an incident or series of incidents which have occurred constitute harassment, intimidation, victimisation or bullying, then in the first instance you should approach your line manager or the Department of Human Resources Department confidentially, on an informal basis. They will be able to advise you as to how the matter should be dealt with.

## 6 What to do if you have been Harassed, Intimidated, victimised or Bullied: The Formal Procedure

- 6.1 The informal procedure may not be appropriate due to the nature of the harassment, intimidation or bullying or because you are being victimised or do not feel able to talk directly to the person creating the problem. In these cases, or where the informal procedure has been unsuccessful, you should raise your complaint in writing with a member of your Senior Management/Leadership Team or with the Head of Service or Director of a Directorate, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the person concerned is your line manager or more senior to yourself, you should write to the person at the next or appropriate level of management.
- 6.2 If you are engaged at the Trust as a consultant, contractor, trainee, agency staff or volunteer then you should raise your complaint with the Department of Human Resources.
- 6.3 Pursuing a Complaint
- 6.3.1 As a general principle, the decision to progress a complaint rests with staff member. However, the Trust has a duty to protect all staff and we may pursue a complaint independently if the Trust considers it is appropriate to do so in all the circumstances.

## **6.4 Necessary Details**

6.4.1 If you wish to make a formal complaint, you should set out full details of the unwanted conduct in writing. These details should include the name of the harasser, intimidator or bully, the nature of the harassment, intimidation, victimisation or bullying, the date(s) and time(s) when the harassment, intimidation, victimisation or bullying occurred, the names of any witnesses and any action taken so far to attempt to stop the harassment, intimidation, victimisation or bullying.

## **7 Formal Procedure: Investigation**

### **7.1 Conduct of Investigation**

7.1.1 Complaints will be managed in a timely and confidential manner via an independent investigation to establish the details of what happened. Your name and the name of the alleged harasser, intimidator or bully will not be divulged other than on a "need to know" basis to those individuals involved in the investigation. The alleged harasser will need to be aware of the basic details of the allegation, in order to respond appropriately and to provide them with a fair and objective investigation process. At the outset, either a member of the Senior Management/Leadership Team or a Head of Service or Director of a Directorate will investigate the complaint or will approach an individual with no prior involvement in the complaint to carry out an investigation (the Investigating Officer). The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned. The Investigating Officer will be supported where appropriate by a member of the Department of Human Resources.

### **7.2 Arrangements During the Investigation**

7.2.1 Consideration will be given to whether the alleged harasser, intimidator or bully should be redeployed temporarily, suspended on full pay or whether reporting lines should be altered pending the outcome of the investigation.

7.2.2 If you are engaged at the Trust as a consultant, contractor, trainee, agency staff or volunteer then you may be asked not to attend any site within the Trust during the investigation and will not be eligible to invoice or receive any such payment the Trust for this time.

### **7.3 Meeting**

7.3.1 As part of the investigation, the Investigating Officer will meet with you to hear your account of the events leading to your complaint. The person investigating will also meet with the alleged harasser, intimidator or bully, and it may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.

### **7.4 Conclusion**

7.4.1 Once the Investigating Officer has had a reasonable opportunity to consider all the information that they have gathered, they will prepare a report,

outlining their findings and possible solutions and implications. You will be asked to attend an outcome meeting to enable the investigating officer to inform you of their findings and outcome. You may be accompanied at this meeting by an appropriate work place colleague or union representative. The outcome of the investigation will be provided to you in writing. You will be informed of your rights of appeal.

- 7.4.2 The Trust may arrange a meeting with the alleged harasser, intimidator or bullying to communicate the contents of the report and inform them of any further required process.

## **7.5 Disciplinary Sanctions for Employees**

- 7.5.1 If it is found that harassment, intimidation or bullying has occurred, prompt action will be taken to stop the harassment, intimidation or bullying immediately and prevent its recurrence. The findings will be dealt with under the Trust's Disciplinary and Dismissal Procedure. Consideration will be given to whether the harasser, intimidator or bully should receive any formal action such as a first written, final written warning or dismissed and, if not, whether he or she should remain in his or her current post or be transferred. Even where a complaint is not upheld, (for example, where evidence is inconclusive), consideration will be given to how the ongoing working relationship between you and the alleged harasser, intimidator or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

## **7.6 Sanctions if you are Engaged at the Trust as a Consultant, Contractor, Trainee, Agency Staff or Volunteer**

- 7.6.1 If it is found that harassment, intimidation or bullying has occurred, prompt action will be taken to stop the harassment, intimidation or bullying immediately and prevent its recurrence
- 7.6.2 If the alleged harasser, intimidator or bully is engaged at the Trust as a Consultant, Contractor, Trainee, Agency Staff or Volunteer and the complaint is upheld, their placement will be reviewed which could include termination or their contract or agreement.

## **8 Formal Procedure for Employees Only**

### **8.1 Appeal**

- 8.1.1 If you are dissatisfied with the decision made concerning the outcome of the investigation, you may appeal the decision to the allocated individual as specified in the outcome letter in writing within 5 working days of your being notified of the decision giving full details of why you wish to appeal. If you need more time to appeal, you should notify the allocated individual as specified in the outcome letter within the five day period. Arrangements will then be made for your appeal to be heard by an Appeal Panel, which will be chaired by someone holding a more senior position than the person investigating the complaint. You may be accompanied by a colleague or a trade union official of your choice. You will be notified of the outcome of the appeal within seven days of this meeting. This is the final stage of the formal procedure.

## **9 General**

### **9.1 Protection from Victimisation**

9.1.1 Staff who, in good faith, make complaints under this policy will be protected from intimidation or victimisation in connection with their involvement. If you have been subjected to any such intimidation or victimisation you may raise a complaint in writing under this procedure or the grievance procedure.

### **9.2 Malicious or Vexatious Complaints**

9.2.1 If, after investigation, you are found to have made false or unsubstantiated allegations in bad faith and/ or with malicious intent, these circumstances if proven, could lead to disciplinary action, up to and including dismissal, under the Trust's Disciplinary and Dismissal Procedure if an employee or if the member of staff is not an employee, the ending of any agreement or contract with the Trust.

### **9.3 Confidentiality**

9.3.1 Confidentiality is very important throughout all parts of this procedure. It is the responsibility of everyone involved in the procedure to respect the high level of confidentiality that is required. Breach of confidentiality may give rise to disciplinary action under the Trust's Disciplinary and Dismissal Procedure if an employee or if the member of staff is not an employee, the ending of any agreement or contract with the Trust.

### **9.4 Counselling Support for Employees Only**

9.4.1 Whether an issue of harassment, intimidation or other form of bullying have been dealt with on an informal or formal basis, parties involved may benefit from counselling, help and support in resolving the situation and coping with any difficulties that it has caused. In these circumstances, it may be appropriate for counselling/help/support to be arranged by the Department of Human Resources. You may have reservations about accessing counselling services because you are afraid that this will be recorded on your personnel file. It should be noted that counselling services maintain a policy of complete confidentiality.

### **9.5 Criminal Offences**

9.5.1 Many forms of harassment, intimidation, other forms of bullying or discrimination can amount to criminal behaviour. For example, any kind of unwanted physical contact, or the apprehension of it, could constitute an assault or indecent assault, or persistent and unwanted contact by someone could be deemed to be 'stalking'.

9.6 You are urged to consider reporting such behaviour to the police without delay, so that a criminal investigation can be carried out under due judicial processes followed.

9.7 The Trust may also take separate action in cases of gross misconduct, although it reserves the right to suspend internal disciplinary action pending the outcome of

any criminal charges. If this is the case then employee(s) will remain on paid suspension until the matter is resolved.

## **10 Monitoring and Review of Policy**

### **10.1 Review**

10.1.1 This policy reflects the law and the Trust's practice. The Director of People, Employee Engagement & PSTE will be responsible for reviewing this policy from a legislative and operational perspective from time to time. When statutory employment law changes the policy is held automatically to have been amended by that change and will be updated as soon as practically possible.

### **10.2 Training**

10.2.1 The Department of Human Resources has a responsibility for ensuring that any personnel who may be involved with investigations or administrative tasks carried out under this policy receives regular and appropriate training to assist them with these duties.

### **10.3 Comments**

10.3.1 Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the Department of Human Resources.