



Dignity at Work Policy and Procedure

Policy Statement

The organisation protects you from bullying, harassment and sexual harassment regardless of whether it is carried out by a work colleague, volunteers, sponsors or member of the public, business contact or any other person whom you might come into contact with during the course of your work. It aims to inform you of your rights and responsibilities in terms of maintaining a working environment that is free from bullying, harassment and sexual harassment. It also outlines the complaints procedure to be followed if you feel that you have been a victim of any form of behaviour that undermines your dignity.

Principles

- The policy sets out a complaints procedure to ensure that complaints are dealt with promptly and with sensitivity
- The policy states that all Employees and Members of the Board, regardless of their position, have a responsibility to treat their colleagues with dignity and respect and to maintain a working environment where bullying and harassment are not tolerated.

This policy extends beyond the immediate workplace to:

- Places where Employees and Members of the Board are representing the organisation
- Social functions, assignments or conferences that are in relation to a person's work
- Communication that occurs within the organisation – telephone calls, emails, memos, letters or internet
- Communication in the public domain referring to the organisation or any of its Employees and Members of the Board e.g. social network or blogs.

The organisation will not tolerate any form of bullying or harassment and is committed to investigating and dealing with any instance and implementing the Disciplinary Procedure where appropriate.

Employees and Members of the Board's Responsibilities

You must comply with the policy and ensure that your behaviour does not cause offence to fellow workers or any person whom you come into contact with during the course of their work. You should discourage bullying and harassment by objecting to inappropriate behaviour. You must inform a manager if you are concerned that a colleague is being bullied or harassed. As a duty of care to our Employees and

Members of the Board, management will intervene where a situation of bullying or harassment has become apparent.

Harassment - What is Harassment?

The anti-discrimination and equality laws define harassment as follows:

Harassment is unwanted conduct related to gender, civil status, family status, age, disability, race/ethnicity, sexual orientation, religious belief or membership of the traveller community, which has the purpose or effect of violating a person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It can be a one-off event or persistent and repeated behaviour.

Harassment is defined as a form of unlawful discrimination. The organisation is committed, however, to discouraging all forms of harassment, regardless of whether it is unlawful under the anti-discrimination laws or not.

Bullying - What is Bullying?

Bullying is a gradual wearing down process comprising a sustained form of psychological abuse that makes victims feel demeaned and inadequate. Bullying is defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately self-questioning his or her worth in the workplace and society as a whole.

An isolated incident of the behaviour described in this definition may go against your dignity at work but as a once off incident it is not considered to be bullying, e.g. an occasional bout of anger or a difference of views. A key element of bullying is that it usually takes place over a period of time. It is regular and repeated inappropriate behaviour that is specifically targeted at one employee or a group of Employees or Members of the Board.

Fair and constructive criticism of an employee's performance, conduct or attendance does not constitute bullying. Complaints relating to assignment of duties, terms and conditions of employment or other matters, which are appropriate for consideration under the normal grievance procedure, do not constitute bullying.

Examples of Bullying

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. These can be split into two categories:

The obvious:

- Shouting or swearing at people in public and private
- Persistent criticism
- Ignoring or deliberately excluding people
- Persecution through threats and instilling fear
- Spreading malicious rumours
- Constantly undervaluing effort

- Dispensing disciplinary action that is totally unjustified
- Spontaneous rages, often over trivial matters

The less obvious:

- Withholding information or supplying incorrect information
- Deliberately sabotaging or impeding work performance
- Constantly changing targets
- Setting individuals up to fail by imposing impossible deadlines
- Levelling unfair criticism about performance the night before an employee goes on holiday
- Removing areas of responsibility and imposing menial tasks
- Blocking applications for holiday, promotion or training

The actions listed must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.

Sexual Harassment - What is Sexual Harassment?

Sexual harassment is defined as a conduct of a sexual nature that has the purpose or effect of going against a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment. Such conduct may take the form of unwanted verbal, non-verbal or physical conduct of a sexual nature. This may include acts of physical intimacy, any requests for sexual favours, or any other act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is unwelcome and could be reasonably regarded as sexually offensive, humiliating or intimidating. Sexual harassment may consist of a single incident or repeated inappropriate behaviour. It may be targeted at one or more employees or members of the Board.

Employees and Members of the Board's Responsibilities

All our Employees and Members of the Board have a responsibility to help us to secure and maintain a good and harmonious working environment.

All our Employees and Members of the Board must comply with this policy and endeavour to ensure that their behaviour towards work colleagues, volunteers or contractors does not amount to bullying or harassment.

All Employees and Members of the Board should discourage bullying or harassment by making it clear that they find such behaviour unacceptable and should support colleagues who suffer such treatment.

Any employee who is aware that an incident of bullying or harassment has occurred should alert a member of the management team about it to enable the organisation to deal with it.

Management's Responsibilities

Managers have a duty to implement this policy and to make every effort to ensure that harassment/ bullying does not occur, particularly in the work areas for which they are responsible.

Managers have a responsibility to deal appropriately with any incidents of bullying or harassment, which they are aware of, or ought to be aware of. If harassment/ bullying does occur, they must deal effectively with the situation.

Managers should:

- Explain the organisation's policy to staff and take steps to promote awareness of the procedure for dealing with complaints
- Support any member of staff who makes an allegation of bullying or harassment by providing clear advice about the organisation's policy and procedures; by maintaining confidentiality; and, by seeking to ensure that the member of staff does not suffer further bullying, harassment, or victimisation, whilst a complaint is being addressed, or after it has been resolved
- Set a good example by treating all workers, volunteers and contractors with dignity and respect
- Be alert to unacceptable behaviour and take appropriate action in accordance with the organisation's policy and procedures.

The Organisation's Responsibilities

The organisation will ensure that:

- Adequate resources are made available to implement this policy and to deal effectively with complaints of bullying and harassment
- This policy and the procedure for dealing with complaints are communicated effectively to all managers and staff
- Appropriate training is provided to all managers and staff so that each person is aware of his or her own responsibility for implementing this policy and associated procedure
- All complaints of bullying and harassment are addressed promptly, seriously and confidentially.

Procedure for Dealing with Bullying and Harassment

What should I do if I feel I am being bullied or harassed?

If you feel that you are being bullied or harassed, you should contact your line manager for support and advice. If you are unable to approach your line manager, you can approach the next most senior manager.

Advice

The organisation recognises the sensitive nature of harassment and bullying. Employees and Members of the Board who believe they are being harassed or bullied may wish to discuss their situation before deciding what action to take. The organisation operates an open-door policy to discuss workplace problems and Employees and Members of the Board can discuss the matter with their manager or relevant personnel on an informal basis.

The organisation recognises that this may not always be appropriate in the circumstances, however. If this is the case, Employees and Members of the Board can discuss the situation with the next higher level of management or the Chairperson of the Board.

Managers will:

- Ensure the conversation remains confidential as far as possible
- Listen sympathetically
- Help individuals consider objectively what has happened
- Discuss what outcome the individual would wish to see
- Draw attention to available procedures and options
- Help weigh up the alternatives, but without pressure to adopt any particular course
- Assist the individual in dealing with the situation, if they ask for help.

Confidentiality will be maintained as far as possible. If, however an employee decides not to take any action to deal with the problem and the circumstances described are very serious. The organisation reserves the right to investigate the situation. It has an overall duty of care to ensure the safety of all Employees and Members of the Board who may be adversely affected by the alleged harasser's/ bully's behaviour.

Solutions

It is for the individual to decide which route to take in solving any problem that has occurred. There are two types of solution available – informal and formal.

Option 1: The Informal Procedure

Employees and Members of the Board can choose to solve the matter themselves by approaching the harasser or bully, telling him or her that their behaviour is unwelcome and that it must stop. Otherwise a formal complaint will be made using the procedure outlined below.

If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a work colleague who can affirm the victim when speaking to the harasser or bully.

A third option, is that the victim can put his or her views in writing to the harasser or bully, telling him or her that their behaviour is unacceptable and that it must stop.

Option 2: The Formal Procedure

Where informal solutions fail, or are inappropriate, the formal procedure can be used.

Each step and action under the formal complaints procedure will be taken without unreasonable delay.

Complaints will be investigated swiftly and confidentially, while ensuring that the rights of both the alleged victim and the alleged harasser or bully are protected. Employees and Members of the Board and witnesses can be assured that they will not be

ridiculed or victimised for making, or assisting a colleague in making a complaint, even if it is not upheld, as long as it is made in good faith. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – a failure to do so will be a disciplinary matter. The procedure is as follows:

Step 1: Lodging a Complaint and Conducting an Investigation

- The complaint should be put in writing, outlining the alleged incidents, when they occurred, the harm caused, the names of any witnesses and the name of the alleged harasser or bully.
- The written complaint should initially be lodged with the employee's manager. If this would not be appropriate in the circumstances, it should be lodged with the relevant manager.
- The allegations will be investigated, and a formal hearing will be arranged.
- All parties will be expected to cooperate fully with the investigation.
- Notwithstanding the difficult circumstances, both the person making the complaint and the person being complained about may be expected to continue with their normal duties and maintain a professional working relationship during the course of the investigation. Management will be aware at all times of their part in safeguarding the health, safety and welfare of all Employees and Members of the Board. However, the organisation does reserve the right to invoke disciplinary procedures including suspension of any alleged bullying or harassment or making other temporary changes to working arrangements pending the outcome of investigation, if circumstances require.
- It is important to note that nothing will be taken off the record at any stage during the investigation process.

Step 2: Outcome

- After reviewing the report and any other comments received, the line manager (or other appropriate manager) will decide if action is to be taken.
- The line manager (or other appropriate manager) will advise the person complained of and the person making the complaint of the next steps within a reasonable timeframe (depending on the severity or volume of complaints).
- If the complaint is upheld, the matter may be further progressed through the Disciplinary Procedure or other appropriate action may be taken such as mediation or management training.
- Where a complaint is not sustained, no action will be made against the person making the complaint provided the complaint was made in good faith.

Step 3: Right to Appeal

As part of any formal investigation, both the person making the complaint and the person complained of have a right to appeal to the next level of management. The reason for the appeal should be clearly outlined in writing. In cases where the direct next level manager is not an appropriate person to hear the appeal another manager at the same level will be appointed. The appeal hearing will only focus on the area of the investigation that is being appealed. Appeals should be made within five working days of receipt of the letter advising of next steps.

Full records will be kept of the proceedings and copies of meeting records given to the complainant.

Please note, for the avoidance of doubt, the above procedure is non-contractual and the organisation reserves the right to amend the procedure as appropriate under the circumstances.

Continuing to Work Together

Whether a complaint is upheld or not, the organisation recognises that it may be difficult for the Employees and Members of the Board concerned to continue to work in close proximity to one another during the investigation or following the outcome of the proceedings. Support will be provided where required.

Monitoring

Where harassment or bullying has been found to have occurred and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. The organisation will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way. The organisation may offer mediation if there has been a breakdown in relationship; both parties must agree to this process.

Victimisation

In accordance with the Equality Acts, victimisation occurs where dismissal or other adverse treatment of an employee occurs as a reaction to:

- A complaint of discrimination made by the employee
- Any proceedings by a complainant
- An employee having represented or otherwise supported a complainant
- An employee having been a witness in any proceedings under the Equality Acts or the Equal Status Act (2000-2008)
- An employee having given notice of intention to do any of the above

Any victimisation of, or retaliation by, another worker against a complainant, a worker supporting a complainant, or a worker who gives evidence regarding an allegation of bullying, harassment or sexual harassment, will be subject to disciplinary action up to and including dismissal.

Malicious Complaints

Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to the organisation's disciplinary procedure, as will any witnesses who have deliberately misled the process during investigations.

Confidentiality

All Employees and Members of the Board aware of any claims of bullying and harassment, i.e. person complained of, person making the complaint, witnesses or managers, are required to treat all information as strictly private and confidential. All discussions are to take place in a private environment.

Any person found to be obstructing the rights of an individual to bring a complaint under this procedure or found to be obstructing or causing undue delay in any area of the proceedings may face disciplinary action.