



# DIGNITY AT WORK

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## 1. INTRODUCTION

- 1.1 K LETTING is committed to providing a working environment in which employees' dignity at work is fundamental. It is the responsibility of all employees to ensure that everyone can work in an atmosphere of mutual trust and respect.
- 1.2 This policy applies to all staff working for us at any of our premises or working from home, including casual and agency staff, consultants, contractors, directors, employees, homeworkers and managers. This policy covers behaviour that occurs in the workplace and outside the workplace in a work-related context, such as on business trips, customer or supplier events or work-related social events.
- 1.3 The Company fully recognises its legal obligations under the Equality Act 2010 and all related legislation and codes of practice. Our emphasis is on strongly promoting equality through best practice and preventing discrimination.
- 1.4 K LETTING is opposed to any form of behaviour which could be deemed to be harassment or discrimination and will not tolerate any such conduct. All employees have a responsibility to behave in a manner that is not offensive to others and are expected to fully comply with this policy. In addition, managers are requested to ensure a non-threatening and supportive work environment.
- 1.5 The concerns of an employee will be taken seriously and dealt with positively. Disciplinary action, including dismissal for serious offences, may be taken against any employee who violates this policy.
- 1.6 All staff are required to read this policy and to ensure that they understand what types of behaviour are unacceptable. If you have any queries, please refer to senior management.
- 1.7 This policy does not form part of any employee's contract of employment. We may amend it at any time and decide to follow a different procedure where we consider it appropriate.

## 2. BULLYING AND HARASSMENT

### 2.1 Bullying

- 2.1.1. Bullying may be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying may be physical, verbal or non-verbal conduct.
- 2.1.2. In our organisation, unacceptable behaviour includes (this is not an exhaustive list):
  - (i) spreading malicious rumours, or insulting someone (particularly because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation);
  - (ii) copying memos that are critical about someone to others who do not need to know, ridiculing or demeaning someone, picking on them or setting them up to fail;
  - (iii) unfair treatment, deliberately excluding a person from communications or meetings without good reason, overbearing or intimidating supervision and/or other misuse of power or position;
  - (iv) making threats or comments about job security without foundation;
  - (v) deliberately undermining a competent worker by overloading and constant criticism; and

- (vi) preventing individuals progressing by intentionally blocking promotion or training opportunities.

2.1.3. Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to a worker in the course of their employment will not, on their own, amount to bullying.

## 2.2 Harassment

2.2.1. The harassment of any of our employees is unacceptable behaviour. Anyone found to be in breach of this policy will be liable to disciplinary action, which could result in dismissal without notice.

2.2.2. Harassment may take many forms (including bullying), occurs on a variety of different grounds and can be directed at one person or a number of people. Harassment need not be directed at the complainant and can occur if the complainant witnesses another person being harassed.

2.2.3. Harassment involves subjecting an individual to conduct which is unwanted and where the conduct has the purpose or effect of violating the victim's dignity, or creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim.

2.2.4. Harassment also occurs where the perpetrator engages in unwanted conduct of a sexual nature and that conduct has the purpose or the effect referred to above. An individual of any gender may be the victim of sexual harassment.

2.2.5. A person will also commit harassment if they (or anyone else) engage in unwanted conduct (of a sexual nature or otherwise) that has the purpose or the effect referred to above and the victim either rejects or submits to it and, because of that rejection or submission, that person treats the victim less favourably. For example, it will be harassment for a manager whose repeated advances to a more junior female employee have been consistently rebuffed subsequently to give the woman a poor performance review because she had rejected him.

2.2.6. Conduct usually becomes harassment if it continues even though it has been made clear that it is regarded by the recipient as offensive or unwanted. However, a single incident may amount to harassment if it is sufficiently serious.

2.2.7. The unwanted nature of the conduct distinguishes harassment from friendly behaviour that is welcome and mutual. Staff must always consider whether their words or conduct may be considered offensive.

2.2.8. Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim, which is important, not whether or not the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.

2.2.9. Harassment may relate to:

- (i) age;
- (ii) disability (past or present);
- (iii) gender reassignment;
- (iv) race, colour, nationality, ethnic or national origins;
- (v) religion or belief; or
- (vi) sexual orientation.

2.2.10. The phrase 'relate to' is very wide and therefore covers harassment based on a perception of another person (for example that the person is gay, or is disabled, whether or not this perception is correct and even if the perpetrator knows that their perception is, in fact, wrong) and harassment that occurs because someone is associated with another person (for example, someone who is harassed because they care for a disabled person, or who is harassed because they are friends with a transsexual person, or a white worker who sees a black colleague being subjected to racially abusive language which also causes an offensive environment for her).

2.2.11. Whilst not an exhaustive list, forms of harassment include:

- (i) physical contact and obscene or offensive gestures;
- (ii) 'jokes', 'banter', gossip, slander, offensive language, shouting and/or behaving in an intimidating manner;
- (iii) offensive, insensitive or sectarian songs or messages (including email);
- (iv) displaying posters or pictures, graffiti, emblems, flags, offensive email and screen savers etc;
- (v) isolation or non-co-operation and exclusion;
- (vi) coercion for sexual favours and sexually suggestive remarks;
- (vii) pressure to participate in political/religious groups;
- (viii) intrusion by pestering, spying and stalking; and
- (ix) continued requests for social activities after it has been made clear that such suggestions are not welcome and verbal, non-verbal or physical conduct of a sexual nature.

2.2.12. Harassment is unlawful in many cases and individuals may be held personally liable for their actions. In some cases, their behaviour may also amount to a criminal offence. The above list is not intended to be exhaustive but to give an indication of the types of behaviours that constitutes harassment.

2.2.13. K LETTING recognises that harassment can cause employees to be subject to fear, stress and anxiety which can cause great strains on personal and family life. It can lead to illness, increased absence from work, an apparent lack of commitment, poor performance, and even resignation. All these have a direct impact on organisational effectiveness.

2.2.14. The damage, tension and conflict within the workplace which harassment creates not only results in poor morale but higher turnover, reduced productivity, lower efficiency and divided teams.

### 3. RESPONSIBILITIES

3.1 K LETTING will take reasonable action to assist an employee in a situation where they have been a victim of bullying or harassment or where a criminal offence has been committed against them. If an employee believes that a criminal offence has been committed, we would encourage that employee to inform the police. In some circumstances the Company may be required to inform the police if allegations of a criminal nature are made.

3.2 All allegations of bullying or harassment and any related matters will be fully investigated and handled confidentially with the intention of resolving matters as soon as possible. K LETTING will ensure that the outcome of a substantiated complaint does not disadvantage the employee who made the complaint.

3.3 All managers are responsible for eliminating any harassment or intimidation of which they are made aware. Failure to do so will be considered a failure to fulfil all the responsibilities of their position. In particular they should:

- (i) take prompt action to stop harassment as soon as it is identified - managers may be able to put a stop to the problem effectively without the need for further action;
- (ii) ensure that offensive or potentially offensive material is not displayed in the work place;
- (iii) make it clear to the employee concerned that their behaviour is not acceptable and where appropriate will be treated as a disciplinary matter;
- (iv) investigate all complaints made by any member of staff;
- (v) continue to monitor the working environment to ensure acceptable conduct is observed at all times; and
- (vi) encourage employees to behave in accordance with the principles of equal opportunities, diversity and anti-discrimination.

3.4 Employees are expected to:

- (i) behave in accordance with the principles of equal opportunities, diversity and anti-discrimination;
- (ii) be aware of, identify, and speak up to report any related incidents of any kind; and
- (iii) fully co-operate with K LETTING actions including training or support measures taken to prevent discrimination, harassment or bullying.

#### 4. COMPLAINTS PROCEDURE

4.1 All allegations of harassment and/or bullying will be dealt with seriously, promptly and in confidence. Employees who feel they have been subject to harassment and/or bullying must not hesitate in using this procedure nor fear victimisation. Retaliation against an employee who brings a complaint of harassment and/or bullying is a serious disciplinary offence which may constitute gross misconduct and could result in dismissal.

4.2 Directors will provide, in confidence, advice and assistance to employees subjected to harassment and/or bullying and assist in the resolution of any problems. If you are in any doubt as to whether an incident or series of incidents which have occurred constitute harassment and/or bullying, then in the first instance you should approach a senior member of management on an informal confidential basis. They will be able to advise you as to whether the complaint necessitates further action, in which case the matter will be dealt with formally/informally as appropriate.

#### 4.3 Informal Stage

4.3.1. If an incident happens which you think may be harassment or bullying, you may prefer initially to attempt to resolve the problem informally, if you feel able to do so. In some cases, it may be possible and sufficient to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends you or makes you uncomfortable and that it interferes with your work. You should make it clear that you want the behaviour to stop.

4.3.2. In circumstances where this is too difficult or embarrassing for you to do on your own, you could seek support from a friend at work, a member of the senior management or you may wish to ask your manager to intervene for you on an informal basis.

4.3.3. Whilst this stage is informal, you are advised to make your manager or senior manager aware of the situation on a confidential basis and to keep a note of the dates and details of any unwanted conduct and of what action has been taken.

#### 4.4 Formal Stage

4.4.1. If the conduct continues or if it is not appropriate to resolve the problem informally or you do not feel able to raise it informally or in the event that the harassment is of a more serious nature, then the employee should lodge a formal complaint using the procedure set out in the K LETTING Grievance procedure.

4.4.2. All complaints will be thoroughly investigated and handled in a timely and confidential manner. The purpose of any investigation of a complaint is to determine whether or not the complaint should be upheld. If necessary, either or both parties may be suspended on full pay whilst the investigation is carried out.

4.4.3. If the investigation reveals that the complaint is to be upheld, prompt action will be taken to stop the harassment immediately and prevent its recurrence. In such circumstances, if relocation to another work area proves necessary, every effort will be made to relocate the harasser and not the complainant. Appropriate action, up to and including dismissal, will be taken against employees in proven cases.

4.5 Employees shall be protected from intimidation, victimisation or discrimination for lodging a complaint or assisting an investigation. Any subsequent intimidation, victimisation or unfair discrimination towards the complainant will be treated very seriously. Retaliating against an employee for complaining about harassment is a disciplinary offence which will be dealt with under the K LETTING Disciplinary Policy and Procedure.