

# DIGNITY AT WORK POLICY

This policy sets out [Name of Employer's] policy on harassment and bullying and explains its procedures for dealing with harassment or bullying if it occurs.

## Introduction

1. Everyone should be treated with dignity and respect at work. Bullying and harassment of any kind are in no-one's interest. Bullying and harassment can lead to
  - poor morale and poor employee relations
  - loss of respect for managers and supervisors
  - poor performance
  - ill-health and absence
  - resignations
  - damage to our reputation
  - legal claims.

Individuals who are subjected to bullying and harassment related to “protected characteristics” have special protection. The protected characteristics are age, disability, race, religion or belief, sex, sexual orientation, and gender reassignment. Both we, as employer, and the person carrying out the bullying or harassment can be liable. If you bully or harass colleagues, you may have to pay compensation personally.

We do not tolerate bullying or harassment whether it is related to protected characteristics or not. This applies not only in the work-place but outside work where there is a work connection – for example at a social event. Such behaviour is normally gross misconduct and likely to result in dismissal; in serious cases, it may be a criminal offence.

[In this policy, where we use the expression “harassment”, it includes bullying.]

## What are bullying and harassment?

2. Bullying and harassment include conduct that has the purpose or effect of creating an intimidating, degrading or offensive environment. It might include
  - (a) “picking on” or ostracising or making degrading comments about a colleague;
  - (b) criticising a colleague in public;
  - (c) whispering or gossiping campaigns;
  - (d) shouting at a colleague;
  - (e) repeatedly putting unreasonable pressure on staff that you manage, for example, imposing unachievable deadlines;
  - (f) conduct related to protected characteristics (we set out examples below).
3. Bullying or harassment related to protected characteristics has a broad meaning. It is unlawful:

- (a) even though it was unintended and the person doing it was unaware that he or she might cause offence.

For example, you may feel that you know your colleagues and that they will not be offended by a joke about race, religion or sexual orientation, but if they (or someone who over-hears) turn out to be offended, you are likely to be guilty of harassment.

- (b) even though the person complaining does not have the protected characteristic.

For example, you are likely to be guilty of harassment if you are white and you make racist remarks about Asians, offending other white people. You are also likely to be guilty if you make homophobic remarks about someone who you think is gay but turns out not to be or about someone who you do not believe to be gay but finds the remarks offensive.

- (c) if it is based not on the characteristics of a colleague but on someone he or she associates with.

For example, offensive remarks to a colleague who is white because she has a black boy friend.

- 4. Sometimes conflicts arise between persons with different protected characteristics (for example sexual orientation and religion). We do not expect everyone to be friends but we do require staff and others to treat each other with respect and dignity regardless of privately held views.

#### **Your responsibilities**

- 5. All staff have a responsibility to ensure that bullying and harassment do not occur. You must demonstrate respect for your colleagues whilst at work and must not harass or bully anyone.

Managers have additional responsibilities to ensure that this policy is implemented and, if harassment or bullying occurs, that it is dealt with effectively.

#### **What to do if you are harassed or bullied**

- 6. If you feel you are being harassed or bullied, we encourage you to report it to:

- (a) any manager (preferably senior to the alleged harasser/bully); or
- (b) the [Human Resources] Department.

If a [customer or other] third party (someone who is not employed by us) subjects you to harassment or bullying, you should tell us. We will do what we reasonably can to prevent it happening again. If you see this happening to a colleague, you should also tell us.

- 7. [We have designated [an] adviser[s] within the Human Resources Department to help anyone who feels he or she is being subjected to bullying or harassment. If you ask, the adviser will try to help resolve any problems either through informal or formal means. Currently the advisor[s] is/are [name].]<sup>1</sup>

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<sup>1</sup> The designation of advisers is recommended by the Code of Practice on protecting the dignity of women and men at work. Compliance with this Code is not compulsory but a Tribunal could take it into account in any harassment claim. Larger employers are likely to consider it appropriate.

### **What will happen if I make a complaint of bullying or harassment**

8. If you make a complaint, we will normally hold an initial meeting with you to:
- (a) find out the details; and
  - (b) discuss whether you want the matter to be dealt with informally (initially) or by using a formal procedure.

At the initial meeting, you may be accompanied by a work colleague or trade union representative [or adviser].

### **Informal resolution**

9. You may want to try to resolve the problem informally by explaining to the individual concerned that his or her behaviour is unwelcome and should stop. If you wish, you may do this with support from a colleague, a manager [or the adviser].
10. If you decide to try and resolve the problem informally, it is a good idea to keep notes or a diary of any incidents of bullying or harassment and your attempts to resolve matters. If this does not resolve matters, these may help us investigate should you decide to take things further.
11. If you choose the informal route, you may not want us to take any action. Although we will normally follow your wishes, if we believe that the welfare, health or safety of others may be at risk or for other overriding reasons, we may decide to look into things further. This may involve approaching the alleged bully or harasser.

### **Formal approach – grievance procedure**

12. If you feel that attempts at informal resolution have not worked or you do not want to try for informal resolution, you may follow the Grievance Procedure. Depending on the nature of the issues you are complaining about, we may modify the Grievance Procedure. For example, if your complaint is about your manager, it is unlikely to be appropriate for your manager to be involved in considering it.

### **Examples of harassment related to protected characteristics**

13. Harassment can take a number of forms. Examples include the following.

#### *Sexual harassment*

14. Harassment related to sex or of a sexual nature might include:
- (a) derogatory comments about gender or matters associated with gender;
  - (b) ostracism related to gender (whether the person affected is of the same or different gender);
  - (c) degrading comments about appearance or dress;
  - (d) physical conduct of a sexual nature ranging from unnecessary touching to sexual assault;
  - (e) making offensive comments to a pregnant woman about her appearance;
  - (f) unwelcome sexual advances, flirtatious or suggestive remarks, leering, whistling or sexually suggestive gestures;

- (g) display of pornographic or sexually suggestive pictures, objects or written materials;
- (h) repeated requests to go on a date or to socialise outside of work when this is unwanted;
- (i) pressure for sexual behaviour/favours in return for avoiding detrimental treatment; or
- (j) detrimental treatment following the rejection of a sexual advance.

*Racial or religious harassment*

15. Racial or religious harassment might include:

- (a) derogatory or degrading abuse or insults and offensive comments about race or religion;
- (b) display, circulation or discussion of racist pictures, objects or written materials;
- (c) repeatedly dismissing or not taking seriously a person's request for their religious practices to be accommodated;
- (d) unjustified display of emblems that have sectarian or religious significance; or
- (e) telling of jokes related to race or religion.

*Disability related harassment*

16. Harassment related to disability might include:

- (a) mimicry and imitation of the disabled person;
- (b) telling of jokes related to disability;
- (c) offensive comments about disability or matters associated with disability.

*Harassment related to sexuality*

17. Harassment related to sexual orientation might include:

- (a) teasing or name calling about an individual's sexual orientation (real or perceived);
- (b) homophobic "jokes" or derogatory stereotyping based on sexual orientation;
- (c) "outing" a person (i.e. revealing their sexual orientation) against their wishes.

*Age-related harassment*

18. Harassment related to age might include:

- (a) telling jokes related to age or the perceived effects of age;
- (b) derogatory stereotyping based on age; or
- (c) talking down to and humiliating staff on the basis of their age.

**Status and application of this policy**

19. This policy applies to agency, casual and freelance staff as well as employees. Aspects of the policy may need to be applied in different ways to cater for those who are not employees (for example, freelance staff might want to raise a complaint with HR as they will not have a

manager and an agency worker accused of harassment would normally be disciplined by the agency rather than by us).

20. This policy is not part of any contract of employment and does not create contractual rights or obligations. It may be amended by us at any time.