

Dignity at Work Policy

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RELEVANT DOCUMENTS

- Employment Rights Act 1996
- Equality Act 2010
- ACAS Code of Practice on Disciplinary and Grievance Procedures
- ACAS guide on bullying and harassment at work

RELATED POLICIES & DOCUMENTS

- Staff Handbook
- Code of Conduct
- Disciplinary Policy
- Grievance Policy
- Grievance referral form
- Mediation guidelines
- Equality & Diversity Policy



DIGNITY AT WORK POLICY

1. INTRODUCTION

Liverpool John Moores University is committed to protecting the dignity of staff in their work place. The University expects all members of staff to treat each other with dignity, courtesy and respect at all times.

The University is committed to promoting an ethos that safeguards the dignity and well-being of everyone and encourages practices that take into account the rights of individuals to be treated with dignity and respect.

These principles are complemented by the University's existing provisions: People and Organisational Development team, Equality and Diversity Adviser; Disability Network, Lesbian, Gay, Bisexual and Transgender Network.

It recognises that bullying and harassment may be experienced by all in a number of ways, including day to day interaction with colleagues, peers, visitors and students. It deems all forms of bullying and harassment are unacceptable, and, in certain circumstances, unlawful, and consequently operates a policy of zero tolerance towards any form of bullying and harassment.

Bullying and harassment can prevent effective performance and creativity, instead causing increased illness, absenteeism, under achievement and reduced opportunities.

There are also legal implications arising out of Health and Safety legislation. Any form of bullying or harassment may be a source of great distress to the recipient and the University has a legal 'duty of care' under Health and Safety legislation, as well as anti-discrimination legislation, to protect its staff.

It has a talented and diverse community, where staff and students have a right to expect high standards from each other and to work together to maximise the benefits of difference.

2. PURPOSE

In operating this policy, the University has an overall intention that there should be fairness and consistency in the treatment of any individual.

Any incidents of bullying or harassment that do occur will be taken seriously and could provide grounds for disciplinary action. Incidents of bullying and harassment may constitute

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gross misconduct and action up to and including dismissal may be taken against individuals who bully or harass others. They may also be subject to criminal and/or civil proceedings.

As part of their managerial responsibilities, all line managers have a professional as well as a legal obligation to remain alert to where bullying and harassment may occur and to act to prevent it or deal with it where it arises. All individuals are personally accountable for their behaviour, actions and/or lack of actions, in cases of complaint of harassment or bullying.

This is a policy document and does not form part of the contract of employment. It may be amended by the University at any time.

This policy covers all employees, consultants, contractors, interns, volunteers, casual workers and agency workers. It covers harassment or bullying which occurs at work and out of the work place, such as business/field/research trips and at work-related events.

3. OPERATING PRINCIPLES

The University expects all members of the University to recognise their responsibilities and:

- Behave in a way that respects the rights and dignity of others.
- Treat others fairly.
- Value differences in others and the contribution they make.
- Be open and constructive in our communications.
- Demonstrate a commitment to upholding the University's policies on equality and diversity.

The University will not tolerate bullying, harassment, discrimination or victimisation and so far as possible, will manage complaints speedily, confidentially and communicate outcomes clearly and effectively.

The University will promote an environment in which people, who are subjected to inappropriate behaviour or witness it, feel able to raise complaints without fear of victimisation. All staff are encouraged to bring to the attention of managers any examples of any unfair treatment they have witnessed or strongly suspect is taking place.

On occasion, individual perceptions of behaviour may differ, perhaps due to differences in attitude, values, experience or culture, and what one person would consider acceptable behaviour may be unacceptable to another. The defining factor in determining if behaviour amounts to harassment is that the behaviour is unacceptable to the recipient and could 'reasonably be considered' to amount to harassment. When considering allegations of harassment, the University will therefore apply a test of 'reasonableness' to determine if harassment has taken place.

Any allegation of harassment, discrimination, bullying or victimisation will be treated seriously and anyone found to have behaved unacceptably will be investigated and may be the subject of disciplinary action.

The University ensures that Academic Staff, Teaching Staff and Research Staff have freedom within the law to question and test received wisdom, and to put forward new ideas and this will not be considered as bullying or harassment provided that dignity and respect is afforded to all colleagues, including those who may have opposing views.

If, at any time, there is evidence that allegations of harassment, discrimination or bullying have been made vexatiously or maliciously, or that false information has been provided or that the complainant has otherwise acted in bad faith then disciplinary action may be taken against the complainant.

The University is committed to dealing with complaints from staff in a fair, just, timely and transparent manner.

4. DEFINITIONS

Bullying or harassment can take many forms, often involving the abuse of power or position and may be a single event, sporadic events or a continuing process. Such behaviour may not necessarily be face to face.

Definition of Harassment

Harassment is “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” (Equality Act 2010).

The behaviour or treatment may relate to a person’s age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (protected characteristics). Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may consist of persistent behaviour, although a single act may be considered sufficiently serious to warrant formal or informal reporting.

Harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- outing or threatening to out someone as gay or lesbian;
- offensive e-mails, text messages or social media content; or
- mocking, mimicking or belittling a person's disability.

Definitions of Discrimination

Direct Discrimination:

“Direct discrimination occurs where someone is treated less favourably because of one of the protected characteristics set out above; this can include association with or a perception of a particular characteristic” (The Equality Act 2010).

Direct discrimination is the legal term that applies if you treat someone less favorably than someone else has been treated (or would be treated) because the person belongs to one of the protected groups.

Unless there is a statutory exception, direct discrimination cannot be excused or defended.

An example of an exception is the ability to treat a disabled person more favorably than a non-disabled person, for example when making reasonable adjustments to support the disabled person in either working or studying.

Indirect Discrimination:

“Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criteria or practice that puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic” (The Equality Act 2010).

Indirect discrimination is the legal term that describes situations which occur when an organisation, like the University, or a member of staff at the University, makes a decision, or puts in place a particular policy, practice or procedure, which appears to treat everyone equally, but which in practice leads to people from a particular protected group being treated less favorably than others.

An example of indirect discrimination, may be a minimum height requirement for a job where height is not relevant to carry out the role. Such a requirement would likely discriminate disproportionately against women (and some minority ethnic groups) as they are generally shorter than men.

Definition of Victimisation:

“Victimisation occurs 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. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.” (The Equality Act 2010).

Definition of Bullying:

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power to undermine, humiliate, denigrate or injure the recipient.

The University recognises that bullying does not need to be deliberate; someone may demonstrate bullying behaviour without intending to. Bullying may be obvious or it may be covert. Whichever form it takes, it is unwarranted, unwelcome to the individual, and will often cause embarrassment, fear, humiliation or distress to an individual or group of individuals.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate derogatory remarks about someone's performance;

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

Electronic Bullying and the Use of Social Networking Sites

Harassment and bullying can take place through electronic media, for example, email, instant messaging, social networking websites (e.g. Facebook, Twitter, blogs), or text messages. When using such media, all members of staff should consider the appropriateness of the content and language.

If instances of alleged online harassment or bullying are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting. Guidance on the appropriate use of social media can be found in the policy centre.

Cases of Assault

Physical assault is a criminal offence and for the safety and protection of the member of staff assaulted (and others) any we would encourage the member of staff to report the assault to the Police immediately as well as to the relevant Business Partner.

5. RESPONSIBILITIES

Achieving dignity and respect at work requires a collaborative effort by managers and all staff.

The co-operation of all University staff is essential to ensure the success of this Policy, and to create and maintain a positive working and learning environment. In general, managers and staff should be able to discharge their responsibilities under this Policy, and the relevant legal framework, by behaving towards others in a manner which is acceptable by normal standards and is not disadvantageous or prejudicial to others.

All staff:

All staff are required to complete the mandatory online "Diversity in the Workplace" module on a three yearly basis, to ensure that all staff are fully aware of their responsibilities to the University and to each other.

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All staff have a responsibility to help create and maintain a work environment free of bullying and harassment by:

- treating colleagues with dignity and respect;
- understanding how their own behavior may affect others and, if necessary, changing it;
- intervening, if possible, to stop unacceptable behaviour and giving support to the colleague who is being treated badly;
- making it clear if they find a colleague's behaviour unacceptable and explaining why;
- reporting any instances of bullying or harassment of which they become aware to their line manager or Business Partner, and supporting the investigation of the complaint. Staff are reminded that remaining silent could encourage the perpetuation of unacceptable behavior.
- Be mindful that all individuals will be held personally accountable for their actions or lack of actions, and/or their conduct, in cases where complaints of bullying/harassment are upheld.

Note: Individuals should be aware that if they report an alleged incident of bullying/harassment to either their line manager or a Business Partner then the person they have reported it to have a duty to take the matter seriously and to take appropriate action.

Line managers:

All managers have a specific responsibility to operate within the boundaries of this Policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements. In particular, managers should:

- Communicate with people privately, in a professional manner, as soon as a problem occurs;
- Explain the reason for deadlines and timescales for work, and discuss them, ensuring that all involved are aware of the requirements for the work to be completed;
- Set a positive example by treating others with respect and setting standards of acceptable behaviour; also, promote a working environment where harassment is unacceptable and not tolerated;
- Treat any complaint seriously and deal with it promptly and confidentially, giving all those involved full support as appropriate during the entire process;
- Tackle, and where possible, resolve incidents of harassment;
- Consider the diverse needs of individuals when planning events / meetings consulting People and Organisational Development for advice and support as necessary;
- Be mindful that all individuals will be held personally accountable for their actions or lack of actions, and/or their conduct, in cases where complaints of bullying/harassment are upheld.
- Be aware that managers and supervisors have a particular responsibility to deal with bullying or harassment where it arises. They have a duty to investigate any reported instances of harassment or bullying. Those in positions of authority or trust should be especially careful that this power is not misused.

People and Organisational Development Team:

- Are available to provide guidance and advice regarding any concerns of bullying or harassment;
- Can arrange mediation to attempt to informally resolve any bullying and harassment concerns;
- Will provide support with any formal investigations;
- Can arrange suitable training for Managers and teams to address concerns of bullying and harassment.

6. IF AN INDIVIDUAL CONSIDERS THEY ARE BEING HARASSED OR BULLIED:

There are practical steps that can be taken by an individual experiencing bullying, harassment and/or discrimination. They may:

- Speak or write to the person concerned asking them to stop the behaviour that is causing them distress;
- Speak to their Business Partner, who will explain the options;
- Bring the matter to the attention of their line manager;
- Initiate the investigation procedure

7. INFORMAL STAGE 1

If a member of staff thinks they are being bullied/harassed, they should consider whether they feel able to raise the problem informally with the person responsible. The member of staff should explain clearly to the person responsible that their behaviour is not welcome/makes them uncomfortable. If the member of staff thinks this would be too difficult, they should speak to their line manager or designated POD Business Partner, who can provide confidential advice and assistance in resolving the issue formally or informally. The possible strategies that may be considered are set out in Appendix 1.

An informal approach may effectively address the unwanted behaviour without recourse to formal procedures. However, there are some circumstances where the alleged behaviour may be considered sufficiently serious to warrant an immediate formal investigation such as where there has been discrimination, assault or a prolonged abuse of power.

8. FORMAL STAGE 2

If attempts to resolve any unacceptable behaviour informally prove unsuccessful or if the matter is sufficiently serious then bullying and harassment concerns can be formally investigated.

Bullying and harassment investigations are conducted under Stage 2 formal Grievance Policy for Staff. Please see grievance policy.

A written complaint will need to be submitted, setting out the full details of the conduct in

question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring. The relevant form can be found within the grievance policy.

The extent of any investigation will depend on the nature of the complaint and will vary from case to case.

9. CONFIDENTIALITY

Due to the sensitive nature of such complaints, these will be investigated with particular care and will remain, where possible, confidential, the purpose being to protect the confidentiality of the person making the complaint and the reputation of the person being complained about until the matter has been resolved.

Everyone involved in the operation of this policy, whether making a complaint or involved in the investigation, is responsible for observing the high level of confidentiality that is required. If witnesses are interviewed as part of the investigation, the importance of confidentiality will be emphasised to them. Details of the investigation and the names of the person making the complaint and the person accused should only be disclosed on a “need to know” basis. Breach of confidentiality may give rise to disciplinary action.

It should be understood, however, that should the investigation of such a complaint result in the instigation of the disciplinary procedure, those involved will be called to the ensuing hearing to give evidence. Steps will be taken in such cases to support staff during this.

Information about a complaint by, or about, an employee may be placed on the employee’s personnel file, along with a record of the outcome and of any notes (including of meetings) or other documents compiled during the process. All personal information will be treated in accordance with the Data Protection Act 1998 and the forthcoming General Data Protection Regulation, 2018. Should anyone named within the notes make a subject access request, full disclosure will be made. Should the matter progress to formal proceedings, full disclosure will be made to all relevant participants.

10. VEXATIOUS COMPLAINTS

The University treats complaints of bullying and harassment seriously.

If, at any point during the process, a manager dealing with the complaint determines that the complaint is unfounded, vexatious or trivial, the complaint may be rejected without further investigation of the facts.

This will be reported to the complainant and this determination may also be referred to the Disciplinary Policy for action.

11. VICTIMISATION

Anyone seeking advice, making a complaint or assisting in an investigation will be offered support and protection against intimidation, victimisation or discrimination.

Retaliation against an individual for complaining about bullying and harassment is a disciplinary offence.

12. TRAINING

The University provides appropriate training for those with designated responsibilities under this Policy, and also provides opportunities to raise awareness through organisational development activities.

13. MONITORING AND REVIEW OF THIS POLICY

This Policy will be monitored and reviewed by the Director of People and Organisational Development. The outcome of such monitoring and review will be published on an annual basis to relevant committees.

The policy will be reviewed:

- i. Every three years, or
- ii. When major statutory change takes place, or
- iii. When the procedures are drawn into question in a particular case.

14. SOURCES OF HELP

INTERNAL

Members of staff can find a comprehensive list of support regarding this policy from:

- The Equality & Diversity Adviser
- Their POD Business Partners
- Their line manager
- Security
- Chaplaincy (The Chaplaincy can also provide contact to representatives of other faiths and persons who could support those without religious beliefs)
- Trade Union representatives
- Counselling Service (confidential for staff)
- Staff Support Groups (Lesbian, Gay, Bisexual Transsexual Group, Cultural Diversity Group; staff with Disabilities Group)
- Health and Safety Unit

EXTERNAL

Samaritans (24 Hour Service) 0151 708 8888
UK National Workplace Bullying Advice Line www.bullyonline.org
Equality and Human Rights Commission: <http://www.equalityhumanrights.com/>

Equality Advisory Support Service 0800 444 205
Merseyside Constabulary 0151 709 6010
Or non-urgent calls 101
First Assist Advice & Counselling 01455 255131
Division 24 Hour Help Line (quote number 33779)

APPENDIX 1

Possible strategies to deal with Unacceptable behaviour:

Unacceptable behaviour should, in the first instance be raised by the individual who perceives that they are the recipient of unacceptable behaviour with the person involved if they feel able to do this. It is recommended that issues be raised at the earliest opportunity.

This could be dealt with as follows:

- **Talking to the person concerned**

This response is most appropriate when the working relationship is still reasonably positive and when the unwanted behaviour is recent.

A mutual willingness to discuss the issues and to work for a win-win solution is a good indicator of success.

Before speaking to the other person, it is important to identify the behaviours that are being experienced as unpleasant or bullying.

- **Writing to the person concerned**

If it is more suitable, the individual who perceives that they are the recipient of unacceptable behaviour should put their concerns in writing.

This will create a written record of the issue that has been raised and is useful when a meeting is not possible due to distance or timing.

It is important to prepare by thinking about what behaviours are causing the problem and how they could be changed. The letter/email should clearly describe the negative behaviours and explain why the behaviours are unwanted. The desired alternative behaviours should be described and a suggestion made as to how the situation could be resolved.

The letter/email should be short and to the point. Care should be taken to avoid any blaming statements or emotive language.

- **Talking to a manager**

Where a staff member perceives that concerns relate to an immediate manager, the staff member may wish to discuss this informally with the next level of manager if they feel that they are unable to approach the named manager directly.

The focus of the meeting is to explore whether the issue can be resolved through discussion/informal intervention and in particular on ways of avoiding similar matters arising in the future.

A line manager has a responsibility to advise and support an individual to try and resolve the concern raised.

- **Involving a third party**

If approaching the person directly does not resolve the situation, or is inappropriate, it may be appropriate to ask a third party to assist. Ideally, the alleged harasser should be approached at the earliest opportunity.

Cessation of the behaviour and an apology (if there has been any unacceptable behaviour) may be sufficient to bring the matter to a close. The individual making the complaint may ask for someone to accompany them, this maybe a trade union representative or a colleague. With the appropriate support from People and Organisational Development.

- **Seeking advice from People and Organisational Development**

Confidential advice and support on how to address issues and a strategy for resolution can be sought through the appropriate Business Partner.

They can assist the staff member to explore options for informal resolution and indicate whether the matter is so serious that it warrants consideration under the formal procedure.

- **Seeking advice from the Trade Union**

If you are a member of a Trade Union confidential advice and support on how to address issues and a strategy for resolution can be sought at any point during the process.

A Trade Union representative can assist a member of staff to explore options for informal resolution and indicate whether the matter is so serious that it warrants consideration under the formal procedure.

- **Mediation**

Mediation is an important consideration for resolving issues at an early stage. It is a voluntary process where an impartial third party enables two or more people to work through conflict or disagreement, with a view to improving their working relationship.

Sometimes certain behaviours can be perceived as discrimination, harassment or bullying, when that is not how they were intended. Mediation can be a good way to help see the other person's perspective and help the other side see how their behaviour is affecting their colleagues.

Guidance about mediation with a trained mediator and whether it would be appropriate should be sought through the appropriate Business Partner.

- **Health and Wellbeing**

Health and Wellbeing provide a wide range of professional advisory services to protect and enhance the physical and psychological health and wellbeing of all staff. For more information please log in to Benefits plus and click on the Health plus section.