

Dignity at Work policy

Introduction

1. This policy applies irrespective of length of service or duration of contract:
 - to employees of HEFCW;
 - to temporary or contract staff engaged by HEFCW, including where their services are contracted via a third party.
 - to secondees;
 - to those who have been subjected to or have witnessed unacceptable behaviours as defined in Annex A.

Statement of Policy

2. HEFCW is committed to promoting a working environment where individuals can work effectively, confidently, fairly and with dignity. To encourage such an environment, HEFCW has in place a set of values that individuals are expected to demonstrate. These values are:
 - Acting with Integrity
 - Professionalism
 - Forward Thinking
 - Partnership Working
 - Valuing and Supporting Each Other
3. These values apply equally to all employees and form an integral part of each staff member's annual Performance and Development Review.
4. Any member of staff who feels that they have not been treated in accordance with the core values above is able to take actions via the Grievance procedures.
5. For the purposes of this policy, the term unacceptable behaviours will be referenced to include acts of bullying, harassment, discrimination, unfair treatment and victimisation. Any acts of harassment proven to have been committed by employees will be dealt with as a disciplinary matter and may result in dismissal. The Grievance and Disciplinary policy is available on the intranet.
6. Under the Equality Act 2010 it is unlawful to harass an individual or group for a reason related to a relevant protected characteristic (as outlined in Annex A).

Taking action

7. If an individual has been subjected to or has witnessed any unacceptable behaviours and wish to make a complaint, they must follow the Grievance procedure. The individual has the right to express their concern or make a complaint without fear of victimisation.
8. In the first instance, any issues should be reported to the Line Manager. If an individual is unsure as to what action to take, and does not feel comfortable in

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speaking with HR or their Line Manager, it is suggested that they may speak to any other colleague within HEFCW who they feel comfortable with. The member of staff selected should:

- be an accessible source of information and support;
- be the first point of contact;
- support, listen and if appropriate provide options to be considered by individuals who have concerns about unacceptable behaviours;
- provide support for the individual throughout the process, if appropriate;
- not speak on behalf of the individual or become actively involved in handling a particular case.
- keep any contact confidential.

9. A member of staff contacted under these circumstances is entitled to decline the provision of any support.

Harassment against staff by individuals outside HEFCW

10. Staff may be subjected to unacceptable behaviours from individuals outside HEFCW with whom they have a working contact (e.g. an outside contractor). If such a situation arises a grievance can be made under HEFCW's Grievance procedure. The individual must notify their line manager who will contact the outside organisation to inform them that a complaint has been made and will liaise with that organisation regarding the grievance.
11. The Senior Procurement Manager and, if appropriate, the Contract Manager should be notified should any issues arise.

Complaints made against staff by an individual employed by an outside organisation

12. If a complaint is received from an outside organisation, HEFCW will take the issue seriously and investigate it. Normally, HEFCW procedures would be followed, unless it is deemed by the Chief Executive that it is more appropriate for the outside organisation to conduct the investigation using their own procedures.

Responsibilities

13. Staff are responsible for ensuring they treat each other with dignity and respect to uphold all HEFCW's values and policies.
14. Line Managers are responsible for ensuring that proper standards of conduct required by HEFCW are achieved and maintained in the working environment. If Line Managers become aware of behaviour that is unacceptable, they should take action to correct it.
15. The HR Manager is responsible for reviewing the policy every three years, or earlier if there are legislative changes.

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Supporting documentation

16. The Dignity at Work policy is supported by the following:

- Grievance and Disciplinary policy
- Grievance procedures
- Disciplinary procedures

Alternative Support

Employee Advisory Programme (EAP)

17. HEFCW has in place an employee assistance programme details of which are available on the intranet.

Trade Union

18. If you are a member of a trade union, they should be able to provide you with advice and guidance. HEFCW recognises PCS as being an appropriate trade union to represent the interests of union members employed by HEFCW, further details are available on the intranet.

Version	Date	Description
0.1		Inherited policy
0.2	12/04/2005	Major revamp of policy by HCO team
1.1	May 2007	Revisions made to policy
2.0	March 08	Amendments made to policy in line with best practise, OD, style guide and EIA.
2.1	April 08	Policy amended following FTA programme
3.0	May 08	Policy approved
3.1	Nov 08	Amendments made following IO course
3.2	Sept 09	Amendments to definitions in line with Equality & Diversity Policy
3.3	17/11/09	Amendments following EIA
2.0	February 2013	Presented to Management Board as part of high level policy review
2.1	Sept 2013	Reviewed by HR Manager and Payroll Manager as part of policy review project. Re-named as Dignity at Work policy
2.2	Jan 2014	Following consultation, procedure merged with policy, sent to Management Board for approval
2.3	Jan 2014	Management Board approved subject to minor amendments
2.4	March 2014	Further amendments from Management Board
2.5	April 2014	Equality Impact Assessment carried out
2.6	June 2014	Endorsed by Works Council following all staff consultation
3.0	July 2014	Approved by HR Committee

Policies, procedures and guidelines are available on line, in large print and electronically on CD. Should you or someone you know require any of our documents in an alternative format please contact us on 029 2076 1861.

Definitions

1. “Protected characteristics” are the personal characteristics that are protected by law under the Equality Act 2010. They are:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race
 - Religion and belief
 - Sex
 - Sexual orientation.
2. “Direct discrimination” is treating one individual less favourably than another on the basis of any protected characteristic.
3. “Direct discrimination by perception” means treating one person less favourably than someone else, because it is incorrectly thought they have a protected characteristic.
4. “Direct discrimination by association” means treating someone less favourably than another person because they are associated with a person who has a protected characteristic.
5. “Harassment” is unwanted behaviour related to a protected characteristic which has the purpose or effect of violating someone’s dignity or which creates a hostile, degrading, humiliating or offensive environment.
6. “Victimisation” is treating someone unfavourably because they have taken some form of action relating to the Equality Act, e.g. made a complaint under the Act or supported somebody who is doing so, such as appearing as a witness.
7. “Bullying” is usually defined as behaviour that is repeated; intended to hurt someone either physically or emotionally; and often aimed at certain groups, eg any of the protected characteristics but can also include such things as trade union activity, political association and use of another language.
8. NB. The above definitions are taken from the EHRC Equality Act Guidance.
9. All of the above will be referred to in this document as “unacceptable behaviours” and whether this is persistent or an isolated event may include (this list is not exhaustive):
 - verbal or physical threats and abuse;
 - use of derogatory stereotypes;

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- inappropriate physical contact;
 - innuendo, mockery, jokes or lewd remarks;
 - intrusion by excessive personal questioning, spying, pestering or stalking;
 - leering, whistling or making sexually or racially offensive gestures;
 - the display or circulation of material that is offensive;
 - an offensive manner of communication that is not used with other colleagues;
 - isolation or non-co-operation at work or exclusion from social activities;
 - making employment decisions based on discriminatory grounds.
10. Bullying may take many forms and may not be immediately recognised. The following are examples of bullying behaviour (this list is not exhaustive):
- open aggression;
 - humiliating another;
 - persistent criticism;
 - freezing out, ignoring or excluding;
 - constantly undervaluing effort;
 - labelling;
 - physical attack;
 - slander;
 - excessive monitoring of a member of staff with or without their knowledge;
 - unreasonable blocking of applications for leave or training;
 - overruling an individual's authority, reducing a job to routine tasks well below skills and abilities;
 - setting impossible objectives.
11. Unacceptable behaviours may be through any means, including, (this list is not exhaustive):
- written communication, including email;
 - verbal interaction;
 - posters;
 - uploading or downloading offensive material;
 - text/ voice messages;
 - automatic supervision methods - such as recording of telephone conversations;
 - unfair work allocation;
 - overbearing supervision.
12. Line Managers are responsible for ensuring that staff who report to them perform to an acceptable standard. Bullying, harassment or unacceptable behaviours does not, therefore, include legitimate, justifiable, firm but appropriately constructive criticism of behaviour or job performance.
13. Unacceptable behaviours could be either intentional or unintentional. It is, therefore, possible for an individual to harass another even though they are not intending to do so. Individual perceptions of what constitutes harassment vary, what is important to understand is the impact of the behaviour and the feelings

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of the injured individual. The alleged harasser may claim that they 'were only joking' or 'didn't mean it'. This may be an explanation, but it is not an excuse or defence.

14. Certain forms of harassment can constitute a criminal offence or give rise to civil liability for an individual. If an individual harasses colleagues at work on the basis of any protected characteristic, they may be personally liable for aiding and abetting HEFCW for unlawful discrimination. In addition to an individual's personal liability for acts of harassment, if their actions towards colleagues result in HEFCW being ordered to pay damages or an award, HEFCW will be entitled to seek reimbursement from the individual concerned. Any act relating to a criminal offence will be reported to the police.