

Dignity at Work Policy



Dignity at Work Policy

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Dignity at Work Policy

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Dignity at Work Policy

1. Purpose & Scope

- 1.1 The Park Authority wants all employees, managers, contractors, agency workers and anyone else engaged to work with us to be treated with dignity and respect while doing so. We are committed to ensuring that no one is subjected to any type of offensive behaviour such as harassment, victimisation or bullying in the workplace or in any work-related setting outside the workplace.
- 1.2 The purpose of “Dignity at Work” is to enhance this commitment to you by providing a clear framework within which all forms of harassment, victimisation and bullying can be discouraged and promptly addressed.
- 1.3 On occasions it may be appropriate to move to this Dignity at Work Procedure from another procedure for example where a complaint that appears to be a Grievance is judged to be wholly or largely attributable to bullying or harassment. In such circumstances action and support already undertaken under the Grievance Procedure shall be taken into account in determining the appropriate level at which to enter this procedure. Advice should be sought from HR and the employee advised in writing. In situations where a complaint relates to several issues the Human Resources (HR) Manager reserves the right to decide how it should be best dealt with under the procedures available taking into account organisational and individual needs.

2. Principles

- It is hoped we would be able to resolve the majority of complaints through informal discussions as they are likely to achieve the quickest, most confidential and most effective solution and minimise the stress for all involved;
- If informal action proves ineffective and the bullying, harassment or victimisation continues then formal action can be taken;
- It is recognised that in some instances the alleged harasser may not work for the Park Authority. In such cases appropriate action will be taken to protect you. You have the right to engage the support and advice of a trade union representative at any stage of the procedure and can be accompanied at a formal DAW meeting by a trade union representative or work colleague of your choice.
- You have the right of appeal against the outcome reached in regard to your complaint;
- You shall not suffer any form of detriment for bringing forward an allegation of harassment, bullying or victimisation. However if your complaint is considered, following investigation, to be potentially malicious and to have been made in bad faith, then an investigation will be carried out in accordance with the Disciplinary Procedure.

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3. Definitions

Feelings on harassment, victimisation and bullying are not dependent upon identifying an intention to cause distress or hurt but are assessed by the impact on and reaction of the recipient(s). As a result, it is possible for behaviour which is acceptable to some colleagues to cause embarrassment, distress, anxiety and stress to others. Different people find different things acceptable. It should be recognised that feelings of harassment, victimisation and bullying are subjective, and are dependent on the views held by individual employees.

3.1 Harassment

Harassment is unwanted conduct related to relevant “protected characteristics” that has the purpose of violating your dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for you. “Protected Characteristics” are defined by the Equality Act 2010 as being sex, gender reassignment, race, disability, sexual orientation, religion or belief, pregnancy and maternity, marriage and civil partnership and age.

Harassment may also occur where a person engages in unwanted conduct towards you because they perceive that you have a protected characteristic when they do not.

Harassment includes circumstances where you are subjected to unwanted conduct from a third party such as a client or customer.

A single incident can be harassment if it is sufficiently serious

3.2 Bullying

Bullying can be defined as offensive, intimidating, malicious or insulting behaviour and/or abuse or misuse of power that is meant to undermine, humiliate or injure you. Some examples are as follows;

- **Non-verbal** - excluding, ignoring or freezing out, unreasonably withholding essential information, resources or training, unreasonable allocation of duties or imposing objectives with impossible deadlines;
- **Verbal** - shouting, swearing, name-calling, malicious gossip, public reprimand, belittling or patronising/demeaning comments about your appearance;
- **Physical** - striking or hitting, grabbing you or their clothes, pushing, practical jokes or initiations.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings.

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Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months beginning with the act complained of.

3.3 Victimisation

Victimisation is subjecting you to a detriment because you have, in good faith, complained that someone has been bullying or harassing you or someone else. This could include isolating you because you have made a complaint or giving you a heavier or more difficult workload.

4. **Responsibilities**

- 4.1 It is your responsibility to ensure that your behaviour in all work-related situations does not cause offence or distress to others. You can also discourage harassment, victimisation and bullying by indicating your disapproval of such behaviour and making it clear to others when their behaviour is unacceptable. Where you witness incidents of harassment, victimisation and bullying, you should bring these incidents to the attention of management and/or HR, where they will be treated confidentially. If a complaint of harassment or bullying is made you should not prejudice or victimise the complainant or alleged harasser.
- 4.2 Under the terms of the policy it is the responsibility of all managers to help create and maintain a work environment free of harassment, victimisation and bullying by:-
- ensuring that your team are made aware of the Dignity at Work Procedure and standards of behaviour expected;
 - ensuring you do not conduct yourself in a manner which may be perceived as causing or condoning, harassment, victimisation or bullying by others;
 - creating a supportive work environment;
 - responding promptly and seriously to any complaint of harassment and victimisation made.

5. **Procedure for Raising Concerns**

The Park Authority is committed to treating all complaints seriously and investigating them swiftly, and sensitively, either on an informal or formal basis in line with the undernoted procedures.

5.1 Informal Discussions

If you feel that you have been subject to any form of harassment, you should in the first instance advise the harasser that the behaviour is unwanted and offensive and insist that it stops.

In some cases the harasser may not be aware the effect their behaviour is having on others; once it is drawn to their attention this could resolve the problem. It should be

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emphasised that if the behaviour continues a formal complaint will be made under the Dignity at Work Procedure. If, as hoped, following informal discussion there are no further instances of discrimination, bullying or harassment the matter should be considered to be resolved.

If you feel unable to approach the person whose action or conduct is causing offence, or if you have already done so but to no avail, advice should be sought from your manager, HR or a Trade Union Representative. In some instances mediation can be entered into, if both parties agree, with an independent manager present to help facilitate the conversation and attempt to resolve matters informally. If an informal approach does not resolve matters or if the situation is too serious to be dealt with informally a formal complaint can be made using the Dignity at Work form.

It is suggested that you keep a diary of the alleged discrimination, bullying or harassment recording:-

- what happened;
- when it happened;
- who witnessed the behaviour;
- how it made the employee feel.

This should help express your concerns coherently at the informal stage and can also form the basis of evidence should the formal stage be invoked.

5.2 Formal Action

You should formally report your concerns in writing, using the DAW form to your line manager and HR who will acknowledge receipt of the complaint and arrange an investigation to take place.

You must identify the person who is alleged to have perpetrated the unwanted treatment and provide specific examples of the actions or conduct that you believe constitute victimisation, discrimination, bullying or harassment. Specific incidents should be highlighted, with times and dates and the names of any witnesses if possible.

5.2.1 Reorganisation/Relocation/Suspension from Work

It should be appreciated that before or during an investigation there may be a need to consider some of the following on a temporary basis:-

- reorganise work;
- amend reporting lines;
- relocate either party; or in some circumstances both.

In the event of serious allegations of discrimination, bullying or harassment, consideration will be given to whether to suspend the alleged harasser in

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order to prevent any further contact between the parties until the allegation can be fully investigated.

Any period of suspension should be as short as possible but will depend on the individual circumstances and the need to complete a reasonable investigation . The requirement for continued suspension will be kept under review to ensure it is not unnecessarily protracted.

Suspension is not a disciplinary action and does not involve any prejudgement of the allegation(s). Any period of suspension will be confirmed in writing following a suspension meeting and the individual will be entitled to full pay for the duration. Please refer to the Disciplinary Procedure for guidance with regard to the suspension procedure.

Advice should be sought from HR before any action under this section is implemented.

5.2.2 Investigation

An Investigating officer will be appointed by HR or a Director, to ensure impartiality, investigators must not have had any previous involvement in an advisory capacity regarding the case under investigation, or be connected with the allegation.

The investigating officer will conduct the investigation into the complaint with due respect for the rights of both you and the alleged harasser. You will both be interviewed separately as soon as possible and granted the right, if either of you wish, to be accompanied by a trade union representative or work colleague at the interview.

The investigating officer will invite the alleged harasser to an investigation meeting in writing, with at least 5 working days' notice. The letter will provide details of the allegation that has been made and advise that a full investigation will be undertaken.

The alleged harasser will be advised not to contact you during the course of the investigation. At the interview the alleged harasser will be advised of the potential seriousness of the allegation and potential for disciplinary action if the allegation is found to be substantiated.

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On completion of the investigation the investigating officer will submit a report using the template provided by HR, detailing the findings and/or recommendations which should be submitted to the appropriate manager, HR or Director to consider what action may be taken. A copy of the report will also be provided to you and the alleged harasser. If there are sections of the investigation report that contain statements from third parties that would identify the third party and the third party has expressed that they wish anonymity the statements will not be included in the copies of the report supplied to the complainant and the alleged harasser.

5.2.3 Outcome of Investigation

Complaint Not Upheld

If the manager, HR or Director, concludes that the allegation(s) are not substantiated or that the evidence is insufficient or inconclusive, you will both be informed in writing, within 5 working days of the investigation being completed, giving the reasons for the decision and indicating that, as a result, no formal disciplinary action against the alleged harasser is proposed.

A complaint that is investigated and found to be unsubstantiated by witness testimony or not proven does not mean that a malicious complaint has been made. However, if the allegation is found to be of a malicious nature, formal disciplinary action will be taken against you.

The HR will support you, the alleged offender and line manager in making arrangements for both parties to continue or resume working and to help bring the employment relationship back to a satisfactory state. Informal training, counselling and mediation may be required in order to communicate and set clear standards of future conduct.

Complaint Upheld

Where the manager, HR or Director, concludes that offensive behaviour has occurred, or that the complaint is of a malicious nature, the matter shall be dealt with in accordance with LLTNPA's Disciplinary Procedures. Prompt action will be taken to remedy the discrimination, bullying and or harassment to prevent its recurrence.

5.2.4 Appeal

You may choose to appeal against the outcome of your complaint; you should write to the HR Manager explaining the reasons for the appeal.

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5.3 Disciplinary Hearing

If as an outcome of the Dignity at Work Investigation, your complaint is upheld or found to be of a malicious nature, the investigation carried out in this policy shall be deemed to be sufficient for the purposes of the Disciplinary Procedure. Therefore a disciplinary hearing will normally be arranged within 5 working days of the conclusion of the Dignity at Work investigation. Please refer to the Disciplinary Procedure for guidance with regard to the hearing procedure and potential outcomes.

The Park Authority regards all forms of harassment, bullying and/or victimisation as gross misconduct and any employee who is found to be guilty of such behaviour will be liable to disciplinary action up to and including possible dismissal.

In cases where disciplinary action short of dismissal is deemed to be appropriate, consideration can be given to rehabilitation and support for the individual(s) concerned.

6. **Special Situations**

6.1 Trade Union Representatives

Any investigatory meeting involving a complaint made against an employee who is a trade union representative shall not be convened until the circumstances have been discussed with a full time official of the union concerned.

6.2 If a Grievance is raised during a Dignity at Work Case

If any party raises a grievance in respect of matters not related to or connected with the complaint being considered then the grievance will be considered under the Grievance Procedure but this will not normally be carried out until after the conclusion of the Dignity at Work Procedure.

6.3 Relationship to other Policies

On occasions it may be appropriate to move to the Dignity at Work Procedure from another policy/procedure, for example, where a complaint that appears to be a Grievance is judged to be wholly or largely attributable to bullying or harassment. In such circumstances action and support already undertaken under the Grievance Procedure shall be taken into account in determining the appropriate level at which to enter this policy. Advice should be sought from HR and the individual advised in writing.

In situations where a complaint relates to several issues HR reserves the right to decide how it should be best dealt with under the procedures available.

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7. Employee Counselling Service

7.1 The Park Authority recognises that if you are the victim of harassment, victimisation and bullying you may suffer an emotional and psychological reaction to the incident. It is essential that management's response to these situations is supportive and if necessary counselling can be arranged on request through HR or by you contacting the confidential Employee Counselling Service.

7.2 The Employee Counselling Service is an external agency which provides confidential counselling for individuals and counselling support for individuals or groups of employees who have been involved in incidents of violence, aggressive behaviour or serious injury.

8. Records

All formal documentation relating to the formal stages of this procedure will be held with HR.

9. Related Policies

Grievance Policy
Discipline Procedure
Code of Conduct

10. Best Value

Following review of this policy I am content that it fulfils the best value guidance provided, this policy ensures best value, the particular areas covered are, vision and leadership, and Governance and Accountability.

11. Equality and Diversity Impact assessment

A equality and diversity impact assessment was carried out and no discriminatory effects were identified for any particular group within the workforce. This will be monitored on an ongoing basis.

12. Monitoring and Review

This policy will be reviewed to ensure it is fit for purpose and is up to date with any legislative changes or within three years, whichever is the earliest.

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Document Control Sheet

Appendix A

Prepared By	Claire Ferguson, HR Adviser
Date Effective From	30 th October 2017
Review Frequency	On a regular basis
Contact	Claire Ferguson, HR Adviser

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Approvals: This document requires the following signed approvals.

Name/Title	Date	Version
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