

DIGNITY AT WORK POLICY



Policy Title	Dignity at Work Policy
Policy Review Date	JUL 20
Policy Reviewed by	

This policy applies to those employed by Phoenix Rising and is part of our equal opportunities (see Equal Opportunities and Diversity Policy) and working within the Equalities Act 2010

OUR COMMITMENT

We are committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

THE SCOPE OF THIS POLICY

This policy covers bullying and harassment of and by managers/leaders, employees, contractors, agency staff and anyone else engaged to work with us, whether by direct contract with the organisation or otherwise. The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, including business trips and work-related social events.

WHAT IS BULLYING AND HARASSMENT?

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

Harassment is unwanted conduct related to one or more of the protected characteristics that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

The protected characteristics as defined in the Equality Act 2010 are:

- age
- disability
- sex
- gender reassignment
- pregnancy
- maternity
- race (which includes colour, nationality and ethnic or national origins)
- sexual orientation
- religion or belief
- being married or in a civil partnership.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, eg sexual touching.

It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, eg certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic, when in fact the recipient does not have that protected characteristic. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their child is disabled, wife is pregnant or friend has a faith.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under our disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics.

EXAMPLES OF BULLYING OR HARASSMENT

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, eg by letter, email or on social media.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- spreading malicious rumours or insulting someone;
- picking on someone or setting them up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- excluding someone from social activities.

WHAT IS VICTIMISATION?

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported

someone to make a complaint or given evidence in relation to a complaint. This could include isolating someone or giving them a heavier or more difficult workload because they have made a complaint

Provided that you act in good faith, ie you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and we will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

WHAT SHOULD I DO IF I THINK I AM BEING BULLIED OR HARASSED?

You may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it.

You may feel able to approach the person yourself, or with the help of someone, a manager/leader, trade union representative or a colleague. Alternatively, an initial approach could be made on your behalf by one of these people.

You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager/leader. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using our grievance procedure. In the case of grievances about bullying or harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your manager/leader. We will try to ensure that you can bring your complaint in the first instance to someone of your own sex, if you so choose.

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser.

Grievance procedures will be followed in respect of any grievance.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months beginning with the act complained of.

WHAT CAN I DO TO HELP STOP BULLYING AND HARASSMENT?

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying to your manager and supporting the organisation in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Managers/leaders have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment; and
- report promptly any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

WHAT HAPPENS IF I AM ACCUSED OF BULLYING OR HARASSMENT?

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence, that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and we may bring disciplinary proceedings, if appropriate. We will follow our disciplinary procedure and you will have the rights set out in that procedure. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

DISCIPLINARY AROUND BULLYING AND HARASSMENT

We will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.

Investigation of allegations, and future management of risk if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

Wherever possible, we will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the organisation could decide to transfer you to another post.

If a complaint is made against you that is not upheld and the organisation has good grounds for believing that the complaint was not made in good faith, the organisation will take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint against you or anyone who has supported them in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if we have good reason to think that you may have victimised the complainant or someone else.

If the complaint against you is not upheld, we will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. The organisation will consider making arrangements to avoid you and the complainant having to continue to work alongside each other, if either of you do not wish to do this.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of the organisation's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.

IN OUR POLICIES:

'Board' refers to the Boards, committees or legal entities that govern the Phoenix Rising organisation.

'Manager/leader' refers to people who are in charge of various activities across the Phoenix Rising organisations. They may be paid staff or volunteer