

## DIGNITY AT WORK POLICY & PROCEDURES

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V1.0	30.042012	HR/OD Officer	• N/A

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## **1. Policy Statement**

- 1.1 CHS is an equal opportunities employer, committed to promoting a safe, healthy and productive working environment where all staff have a right to be treated with dignity and respect. It is CHS' policy to ensure, as far as reasonably practicable, that all staff have equality of opportunity in terms and conditions of employment and are able to work in an environment free of harassment, bullying, victimisation and/or discrimination.
- 1.2 All CHS staff should be treated with respect, regardless of sex, marital status, age, race, ethnic origin, sexual orientation, disability, religion or other difference such as social background, working pattern or trade union activity.
- 1.3 CHS acknowledges that unacceptable behaviour can exist within and outwith the workplace and have serious consequences for employees and CHS as an employer (See Appendix 1 for further details).
- 1.4 Claims of unacceptable behaviour will be taken seriously and staff will be supported when raising concerns. Any instances of unacceptable behaviour which fall within the scope of this procedure will be dealt with through the disciplinary procedure and may be regarded as gross misconduct.
- 1.5 CHS has prepared these procedures in accordance with best practice and relevant legislation.
- 1.6 This policy should be viewed in conjunction with CHS' Disciplinary Policy and Procedure, Grievance Policy and Procedure, Equal Opportunities Policy, Internet & E-mail Policy, Information Security Policy, Recruitment and Selection Procedure and Staff Code of Conduct.

## **2. Aims of Policy**

- 2.1 The policy aims to:
  - create an environment in which unacceptable behaviour is not tolerated;
  - ensure that all staff are made aware of what type of behaviour is unacceptable;
  - make sure all staff are aware of their responsibilities under the policy and have the necessary skills to prevent unacceptable behaviour in the workplace; and
  - ensure that if unacceptable behaviour does occur it is dealt with confidentially and the processes to deal with it are fair, effective and clear to all concerned.
- 2.2 CHS will ensure that no employee is victimised for bringing a complaint of unacceptable behaviour in good faith or as acting as a witness or investigator in such a case. It also recognises it has a similar responsibility to the alleged harasser while the matter is under investigation and to ensure a fair hearing for both parties.

## **3. Definitions**

- 3.1 There are many definitions of what constitutes dignity, harassment, bullying, victimisation and discrimination at work and some are given for guidance at Appendix 2. Whether these behaviours are intentional or not, they are unacceptable behaviours and contrary to this policy as well as CHS' Equal Opportunities Policy and a range of legislation.
- 3.2 It is recognised that people have different perceptions about what behaviour they find threatening, unacceptable or distressing. All complaints will therefore be taken seriously.

- 3.3 The fact that there may have been no malicious intent behind the actions does not negate the effect of the actions. Therefore, if an employee complains they have been subjected to unwanted behaviour which has had a detrimental effect on them this will be dealt with in accordance with the procedures outlined in section 6.
- 3.4 Performance management which is agreed as reasonable and appropriate will not be viewed as bullying or harassment. Advice will be taken from the HR Shared Services Team if necessary.
- 3.5 Appendix 3 provides a self-diagnosis tool for what may constitute unacceptable behaviour.

#### **4. Roles and Responsibilities**

##### **4.1. All staff:**

- are required to comply with this policy and to take appropriate measures to ensure such conduct does not occur. Unacceptable behaviour is a disciplinary offence which may constitute gross misconduct and result in the alleged perpetrator's dismissal.
- should report any unacceptable behaviour that comes from any person whether another member of CHS staff, clients, visitors or employees of other organisations.
- who are not the subject of the unacceptable behaviour but witness it and feel intimidated are entitled to complain to the alleged perpetrator or make their concerns formal if required.
- have a responsibility to act appropriately whilst in the course of their employment. This policy covers work related events regardless of the fact that these may be held outside the organisation's premises and in staff member's own time.

4.2. **Managers** have a duty to establish and maintain workplaces that are free from unacceptable behaviour. They also have a responsibility to make staff aware of what constitutes unacceptable behaviour, to be alert to conduct or behaviour which may contribute to incidents of unacceptable behaviour and to take prompt action to stop unacceptable behaviour as soon as it is identified.

4.3 **The Senior Management Team** is committed to the principles of this policy and have a responsibility for ensuring that organisational culture supports all employees throughout their employment with CHS.

4.4 **The Director of Finance and Corporate Services** is responsible for ensuring, in partnership with staff, the implementation and development of this procedure on an ongoing basis as well as ensuring appropriate training is provided to all staff.

#### **5. The Process for Challenging Unacceptable Behaviour**

5.1 Unacceptable behaviour may occur between individuals in any situation and at any level. It includes issues between colleagues, between managers and team members, with service users and with external organisations.

5.2 Staff who believe that they are subject to unacceptable behaviour should try to maintain a diary of incidents of alleged unacceptable behaviour which includes the time, date, place and nature of the incident, how they felt at the time, their response and the names of any witnesses present. A record of behaviours would be helpful to the member of staff if raising a formal complaint. Where possible, the member of staff should advise the alleged perpetrator that they find the behaviour unacceptable and ask them to stop.

- 5.3 Where the alleged perpetrator is not an employee of CHS, staff should discuss their concerns with their line manager, who will investigate the matter. The HR Shared Services Team can provide the line manager with support and advice on resolving the issue. If the individual is an employee of an agency engaged by CHS, the Director of Finance and Corporate Services should be made aware of the issue immediately.
- 5.4 Following investigation of incidents arising under 5.3, examples of measures which may be taken by a line manager or CHS could include:
- Not requiring the individual to work with the alleged perpetrator;
  - Reviewing security arrangements for a particular office;
  - Screening of e-mail by Information Services;
  - Phone numbers being changed or screened;
  - Changing the way a service is provided;
  - Raising the concerns with the alleged harasser's manager and asking them to investigate the matter and respond formally to CHS on it;
  - Advising the member of staff on how to access the Employee Assistance Programme (ICAS);
  - Support in making a statement to the Police or organising an interdict e.g. in the case physical assault or stalking.
- 5.5 Where the alleged perpetrator is an employee of CHS, unacceptable behaviour may be best dealt with informally as the alleged perpetrator may be unaware that their behaviour is causing offence. The aim of the process is to, where appropriate, resolve the issues as informally as possible. If that is inappropriate or unsuccessful, then mediation should be considered as the next option. If the issue appears to be serious then the formal process may be invoked without first following the informal process.

The nature and type of the harassment will usually determine what part of the process should be followed. Advice should be taken from HR Shared Services Team in all cases. The processes are outlined below.

## **6. Informal Process**

- 6.1 The complainant must consider how they wish to approach the person behind the unacceptable behaviour. Options include:
- talk directly to them. This will involve explaining what behaviour they find unacceptable and that they want it to stop;
  - write to them. Again this will involve explaining what behaviour they find unacceptable and that they want it to stop;
  - approach one of the following for support e.g a manager, a member of HR Shared Services or a staff representative

The individual contacted for support may then:

- Meet with the complainant in a mutually agreed private environment
- Listen to what the complainant has to say
- Discuss and explain the options available to the complainant
  - Help the individual to decide whether or not to pursue the complaint and which route to take, i.e. the informal process, mediation or a formal approach
- Provide support if the complainant requires it
- Start to complete a confidential unacceptable behaviour monitoring form (see Appendix 4).

6.2 If the complainant chooses to follow the informal process then they or their support should notify their line manager of the allegation unless they are involved in it, in which case, the next level of manager should be advised of the circumstances. In all cases, the HR Shared Service should be advised of a potential complaint.

6.3 The line manager (or next level manager) and a member of HR Shared Services should meet with the complainant to ascertain the details of the alleged harassment and identify what course of action they wish to take. The alleged perpetrator should be advised of the complaint against them and invited to respond. Where appropriate, both parties should be offered the opportunity to undertake the process of mediation in an attempt to resolve the issues informally. A record should be maintained of all meetings/discussions with both the complainant and the alleged perpetrator.

#### 6.4 **Mediation**

Mediation is a process of bringing together two parties in dispute to air their differences in a constructive manner in order to identify a way forward. The process is facilitated by a trained mediator. Mediation in unacceptable behaviour cases may lead to a timely resolution of the issues, hence reducing the negative effects on all concerned.

Trained mediators are available to CHS and arrangements for mediation can be progressed through the HR Shared Services. Both parties need to be clear that mediation is an independent, confidential and impartial facilitative process, which has no legal authority. The process is intended to facilitate an informal settlement of the issues raised. Both parties must be willing to proceed with mediation. The process to be followed will be determined by the mediator based on the circumstances of the case. Both parties may have support as outlined earlier.

Should there be concerns about the health of either of the parties involved then CHS' Occupational Health Provider should provide advice as to whether the individual is fit to be at work and participate in the mediation process.

#### 6.5 **Employee Assistance Programme**

The Employee Assistance Programme provides free confidential telephone counselling and advice service to:

- staff who feel they have been harassed/bullied;
- managers who are supporting staff who feel they have been harassed/bullied;
- staff who are accused of harassment or bullying.

EAP can be contact on 0800 587 5670.

6.6 If the informal stage is unsuccessful, or the matter is more serious, the Formal Process will then apply, as outlined below.

### 7. **Formal Process**

7.1 An employee may make a formal complaint by writing to their immediate line manager or, if the matter involves the line manager, to the next level or other appropriate manager. Alternatively an employee may submit the written complaint to the Director of Finance and Corporate Services or other appropriate senior manager.

Concerns should be raised at or around the time of an incident occurring. If the latest incident occurred within 3 months of the informal process commencing or a formal complaint being

received it will automatically be considered. If it falls outwith this timescale advice must be sought from the HR Business Partner before proceeding.

CHS' Disciplinary Procedure will be followed at this stage. Please refer to CHS' Disciplinary Policy and Procedure, and the Manager's Guide to Conducting an Investigation for further details. In addition, a monitoring form (Appendix 4) will be started if the formal process was not preceded by the informal stage.

All employees have the right to be accompanied/represented during formal Dignity at Work, Disciplinary or Grievance proceedings. The companion can be a colleague or staff representative. Although there is no specific right to be accompanied by a relative, it should be recognised that in some circumstances this may be appropriate. In all cases employees must be advised in writing of their right to representation.

If a Disciplinary Hearing is convened care should be taken that the victim does not unnecessarily have to state repeatedly during the Hearing the circumstances leading to the complaint.

Appendix 5 provides a flow chart of the informal and formal process.

## **7.2 Police Investigations**

Any police investigation will take priority over CHS internal investigations. CHS investigating officers must not hamper any police investigations and be willing to take advice from the police. However, internal investigations may continue, if appropriate, during police investigations.

The National Converner/Chief Executive (or in their absence the Director of Finance and Corporate Services) must be informed of all police investigations.

Care should be taken to ensure no evidence which may be required by police is deleted or destroyed, such as letters, electronic documents/files, e-mails, text messages, missed call records on mobile phones, CCTV video evidence etc. Paper and electronic copies of electronic harassment should be made available where possible.

## **7.3 Unsatisfactory Resolution**

If the complainant considers that their complaint has not been resolved to their satisfaction they have recourse to the appropriate stage of CHS' Grievance Policy and Procedure.

## **7.4 Suspension/ Redeployment**

Where the allegation is particularly serious or where the continued presence of the employee in the workplace would be detrimental to the individual, colleagues or clients, or to the investigation itself, it may be necessary to suspend the employee. Suspension should only be used following advice from Human Resources, and only in cases which may be regarded as gross misconduct. It should only be considered where it is not possible to allow the employee to continue to work in their normal workplace and it is not appropriate to seek temporary redeployment elsewhere until the conclusion of the investigation.

Suspension is on full pay, which means normal pay including allowances continue to be paid. It should be emphasised that suspension is not a disciplinary sanction and as such there is no right of appeal.

If in addition to disciplinary action, redeployment is seen as part of the solution to the problem then the alleged perpetrator of the unreasonable behaviour should normally be the employee to be redeployed. In all cases, HR advice must be sought before a decision is taken.

## **8. Monitoring and Review**

- 8.1 Monitoring is necessary to ensure the effectiveness of this strategy to challenge and eliminate harassment and bullying. By monitoring the strategy, CHS will be able to establish the types and severity of incidents, how they were resolved and the areas in which they occur.

The Director of Finance and Corporate Services will monitor the number and outcome of complaints raised under the Dignity at Work Policy and Procedure. Anonymised data will be shared with staff representatives, the Senior Management Team and other external parties as appropriate. See Appendix 4 for an example of the monitoring form.

- 8.2 This policy will be reviewed by the Director of Finance and Corporate Services regularly to ensure continued compliance with legislation and best practice. CHS or staff may propose amendments at any time by writing to the Director of Finance and Corporate Services.



## The Effects of Unacceptable Behaviour

### On the Individual

Those who experience unacceptable behaviour in a work environment may experience the following symptoms:

#### Physical

- Backache due to tension
- Loss of Energy
- Lethargy
- Migraine/severe headaches
- Nausea
- Palpitations
- Skin complaints
- Sleeplessness
- Sweating/shaking
- Stomach problems e.g. Ulcers

#### Emotional

- Anger/irritability
- Acute anxiety
- Depression
- Feeling isolated
- Lack of motivation
- Loss of confidence/self esteem
- Mood swings
- Panic attacks
- Suicidal thoughts

Unacceptable behaviour may cause fear and alarm, substance misuse, lead to self doubt, affect performance and often lead to sickness/absence. Individuals' mental and physical health can be damaged irreparably which may impact on their families, friends and careers.

### On the employer

Where unacceptable behaviour is allowed to continue, the work environment deteriorates and there may be:

- Growing resentment and fear
- Poor working relationships
- Demotivation and unfulfilled personal and work potential amongst employees

These may result in:

- increased absenteeism and employee turnover resulting in costly retraining and service pressures
- difficulties in recruiting due to a poor public relations image
- a reduction in service provision
- increased legal cases and costs
- damage to the credibility of the organisation.

**Definitions and Examples**

**Dignity:** means that an employee has the right to be treated with respect and not suffer any harassment or bullying or any act, omission or conduct which causes him/her to be alarmed or distressed including but not limited to any of the following:

- behaviour on more than one occasion which is offensive, abusive, malicious, insulting or intimidating;
- unjustified criticism on more than one occasion;
- punishment imposed without reasonable justification; or
- changes in duties or responsibilities of the employee to the employee’s detriment without reasonable justification. (Dignity at Work Bill [HL] 2001)

**Harassment:** is unwanted behaviour that has the effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

**1. Racial Harassment** – any abusive or otherwise unwanted behaviour on the grounds of a person’s race, nationality, colour or ethnic origin, which is offensive to the person involved and causes that person to feel threatened, humiliated, embarrassed or patronised. Examples include:

- Racial physical or verbal abuse
- Racist graffiti, slogans, political badges etc
- Offensive jokes or banter of a racial nature
- Using an offensive manner in communication, which is not used with others
- Isolating or excluding
- Denying opportunities for promotion or development
- Unreasonable pressure to perform.

**2. Sexual Harassment** – abusive, unwanted, uninvited, unreciprocated or unwelcome behaviour of sexual nature, which is offensive to the person involved and causes that person to feel threatened, humiliated, embarrassed or patronised. Examples include:

- Unnecessary and unwanted physical contact i.e. touching, patting/body contact in passing
- Verbal abuse, suggestive and unwelcome remarks, jokes, comments about appearance and private life
- Making requests or demands for sexual favours, including implied or overt promises of preferential treatment, or threats concerning present or future employment status.
- The display of sexually offensive visual material in a workplace, such as pinups, calendars, books, videos etc
- Making comments or suggestions which are lewd and/or lascivious
- Denying opportunities for promotion or development
- Intrusion by pestering, spying or stalking
- Unreasonable pressure to perform.

**3. Sexual Orientated Harassment** – unwanted conduct which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person on the grounds of sexuality. Examples include:

- Making sexual threats and intimidation

- Verbal abuse, suggestive and unwelcome remarks, jokes, comments about appearance and private life
- Isolating gay, lesbian, bisexual or transgender staff
- Making comments or suggestions which are lewd and/or lascivious
- Isolation or non-cooperation and exclusion from social activities
- Denying opportunities for promotion or development
- Using an offensive manner in communication, which is not used with others
- Unreasonable pressure to perform.

**4. Harassment on the grounds of Disability** –abusive, unwanted, uninvited, unwelcome and unjustifiable behaviour on the grounds of a person’s perceived or actual disability, which is offensive to the person involved and causes that person to feel threatened, humiliated, embarrassed or patronised. Examples include:

- Verbal, including derogatory statements which are found to be objectionable and offensive; offensive jokes, comments on appearance or ability
- Physical, including jostling, mistreating or assaulting, gestures, or offensive correspondence
- Mimicking a disabled person's speech, movements or mannerisms
- Excessive staring
- Denying opportunities for promotion or development
- Excluding from work place activities and social events
- Unreasonable pressure to perform.

**5. Harassment on the grounds of Religion or Belief** – violation of a person's dignity or creation of an environment that the person finds intimidating, hostile, degrading, humiliating or offensive. Examples include:

- Physical abuse
- Offensive language
- Religious jokes and banter
- Offensive imagery.

**Bullying:**

- Unwarranted humiliating and/or offensive behaviour towards an individual or groups of employees.
- Such persistently negative malicious attacks on personal or professional performance are typically unpredictable, unfair, irrational and often unseen by others.
- An abuse of power or position that can cause such anxiety that people gradually lose belief in themselves, suffering physical ill health and mental distress as a direct result.
- Bullying can be regarded as the use of power or position to coerce others by fear, persecution or oppress them by force or threat.

**Examples of Bullying**

- Persistent or disparaging comments or remarks, often in front of others
- Setting impossible deadlines/demands or deliberately not providing appropriate or challenging work
  - Applying standards or rules that do not apply to others
- Excessive monitoring
- Unjustified excessive criticism of minor errors
- Shouting and/or direct verbal or physical threat

- Ostracism
- Imposing unfair sanctions
- Humiliation in front of others
- Insensitive jokes or pranks
- Withholding of information required to do tasks

**Victimisation:** When someone is treated less favourably because they have complained about unacceptable behaviour, have given evidence for another employee when they have complained or have been involved in the investigation of reported unacceptable behaviour.

**Discrimination:**

- Direct Discrimination is treating someone less favourably on the basis of sex, marital status, pregnancy, age, race, ethnic origin, sexual orientation, disability, religion or belief.
- Indirect Discrimination is where a requirement or condition is applied equally to all groups of people but has a disproportionately adverse affect on one particular group.

**Self-Diagnosis of Unacceptable Behaviour**

If you have any doubts as to what is or is not acceptable behaviour, it may help you to consider the following:

Would your actions or behaviour be acceptable to:

- Your spouse or partner;
- Parents;
- A colleague; or
- A member of the general public if reported as a “bad news” story in the national/local press.

At work, would your actions or behaviour be acceptable if they were witnessed by:

- Your own or another CHS manager;
- A staff representative;
- A member of Human Resources.

**INCIDENTS OF UNACCEPTABLE BEHAVIOUR – CHS MONITORING FORM**

To be completed by the person dealing with initial contact from an employee

N.B. You must complete the first section for each person who makes contact with you

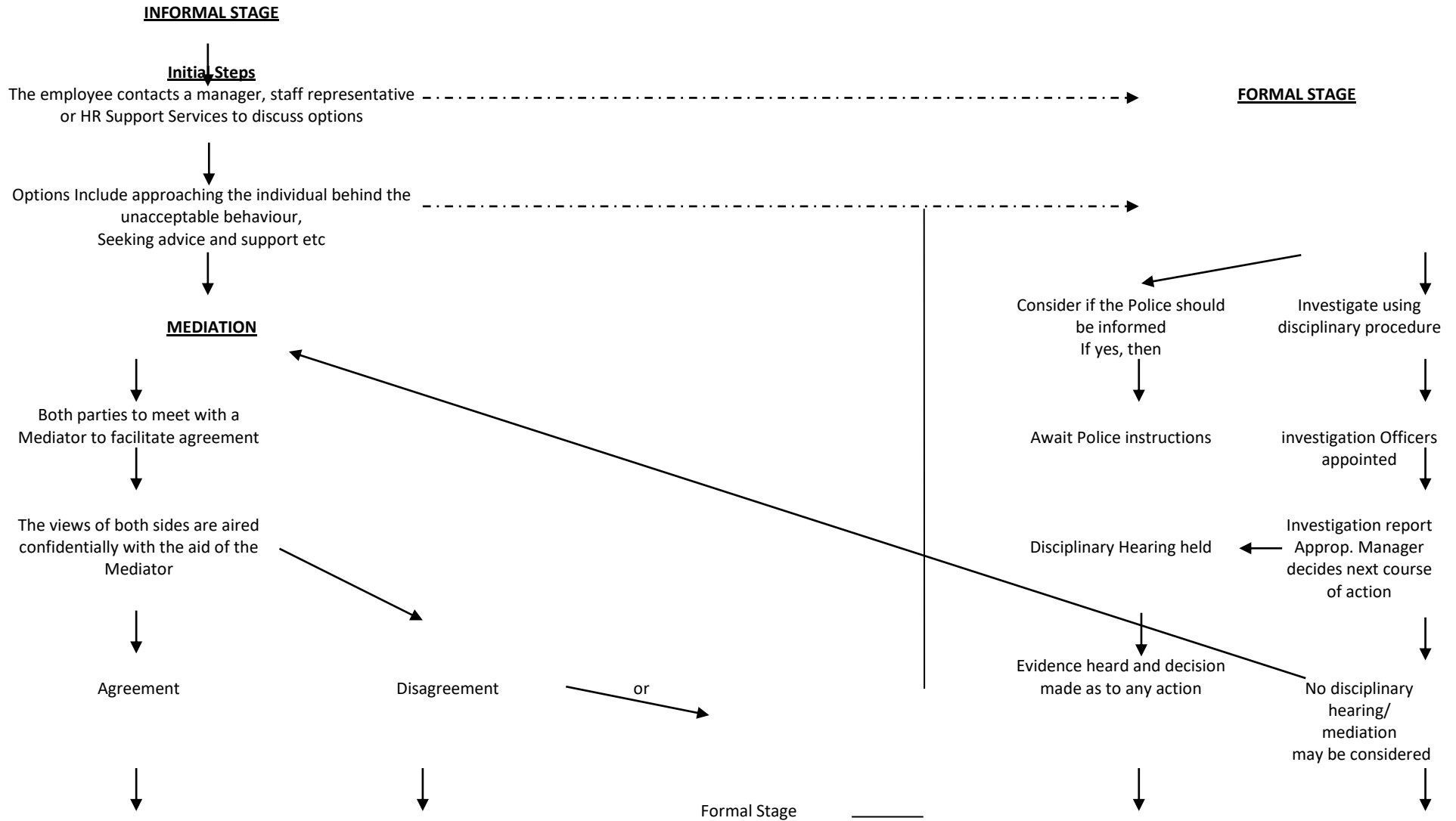
Please tick applicable responses, providing details where appropriate. Return to HR when complete.

<b>Name of Manager/HR/Staff rep/ making report:</b>	
<b>Type of contact:</b>	<b>Nature of concern:</b>
Phone	Harassment
E-mail	Bullying
Meeting(s)	Victimisation
Other	Discrimination
<b>Date of first contact:</b>	<b>Approx. time to date spent on case:</b>
<b>Type of unacceptable behaviour (give basic details to assist in clarification)</b>	
Verbal	Malicious behaviour
Physical	Written
Other (please specify)	
<b>Department:</b>	
<b>Unacceptable Behaviour From:</b>	<b>Perceived reason (if relevant):</b>
Colleague within dept/team	Race or nationality
Other member of staff	Sex
Line Manager	Sexual Orientation
Senior Manager	Disability
Client	Religion or Belief
Family or Carer of Client	Age
Other (specify)	Position in organisation
	Other (specify)

<p><b>Was this reported to the individual concerned:</b></p> <p>Yes                      No</p>	<p><b>Final Outcome:</b></p> <p>Not known</p> <p>Informal Resolution</p> <p>Mediation:</p> <p>Formal Resolution</p> <p>Other</p>
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**Signed:**

**Date:**





Agreement recorded and a review  
process agreed

No action. Agree to take the  
matter no further

Debrief parties as appropriate

Debrief parties as  
appropriate