



## ***Dignity at Work Policy***

AREA:	Human Resources
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## DIGNITY AT WORK POLICY

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## **1 PURPOSE & SCOPE OF THE POLICY**

- 1.1 Bolton College's Dignity at Work policy aims to support the promotion of the College being a workplace/place of study which recognises and respects individual difference and one which views harassment as destructive to the recipient, the harasser and the College.
- 1.2 The purpose of the Dignity at Work policy is to deal with complaints of harassment, bullying or discrimination promptly and to ensure that complaints are taken seriously, sympathetically and in accordance with the procedures outlined.
- 1.3 The policy also highlights to managers and employees their responsibility in helping to promote dignity at work and to eliminate harassment and bullying in the workplace.

*(See Appendix A – Guidelines for Staff – promoting Dignity at Work in the workplace and Appendix C – Managers guidelines – Dealing with complaints under the Dignity at Work procedure).*

- 1.4 The Dignity at Work Policy applies to all staff of Bolton College, excluding Senior Post holders (separate arrangements are in place). The policy also applies to contractors and visitors of Bolton College.

## **2 PRINCIPLES**

- 2.1 Bolton College is an equal opportunities employer and as such is committed to eliminating harassment and bullying to create a productive environment where everyone is treated with respect. Every employee or student of the College should be aware that all forms of harassment/bullying are unacceptable and that everyone has a duty to behave in an acceptable and appropriate manner.
- 2.2 Colleagues are required to set professional standards of behaviour and to take appropriate action with regards to other employees or students who exhibit unacceptable behaviour. This can range from seeking and giving informal advice and guidance to disciplinary action depending on the nature and seriousness of the problem.
- 2.3 The College undertakes to treat reports of harassment/bullying with understanding and support in order that unacceptable behaviour and practices are brought into the open and eliminated. A level of confidentiality consistent with effective investigation and any subsequent action will be maintained by all those involved in any formal or informal procedure.
- 2.4 Bolton College recognises the right of every individual to be treated with dignity and respect in the work place and embraces its duties and responsibilities as an employer to provide a work environment free from any form of harassment, bullying and discrimination. Apart from those duties of care arising under health and safety legislation and responsibilities arising from anti-discriminatory legislation and case law, the College's Single Equality Scheme Policy underpin its commitment to eradicate any form of unfair or unjustifiable treatment of an individual or group of people in the workplace. Behaviour, which results in an employee feeling demeaned, threatened, intimidated or bullied, by another person is not acceptable.

- 2.5 When a complaint has been made, it will be investigated thoroughly and as quickly as possible, in accordance with this procedure, ensuring that the rights of the alleged perpetrator are protected as well as those of the complainant.
- 2.6 All stages of the Dignity at Work Procedure will be dealt with in strictest confidence. However, complaints of a criminal nature will be reported to the police. This will normally be done following discussion with the employee (i.e. the complainant).
- 2.7 Any complaint of harassment and/or bullying should be made within four months of the first or more recent event, unless there are clear exceptional circumstances why this is not possible. For example, there may be occasions where an individual might want to complain about a number of small incidents which have occurred over a period of time and only feel in a position to complain some months later.
- 2.8 All complaints will be treated seriously. The procedure provides an informal and formal route for resolving complaints of harassment and bullying. Even when a complaint is being dealt with informally (and this should be the preferred way if possible) it is still being addressed under the procedure.
- 2.9 The informal approach should not be used to discourage an employee from recourse to using the formal procedure either when the employee prefers this option or when an instance of harassment could be of such a serious nature that the complaint would warrant formal action. Formal procedures should also be used where a previous attempt at informal resolution has proved unsuccessful.
- 2.10 In addition an allegation regarding bullying and harassment may be of such a serious nature that management has the right to instigate a formal investigation. Where an investigation is initiated by management, this will be discussed with any relevant complainants.
- 2.11 Anyone who makes a malicious or vexatious complaint may be subject to disciplinary action.
- 2.12 All investigating officers will be appropriately trained and will be supported by an appropriate member of the Human Resources Team.
- 2.13 The procedure is extended to address harassment/bullying of employees outside of normal working hours with particular reference to social functions and other organised events.
- 2.14 This procedure deals with the harassment and/or bullying of employees by other employees. If an employee is stating that they are being harassed/bullied by a senior post holder then separate procedures apply. Where a senior post holder is stating that he/she is being harassed/bullied separate procedures apply.
- 2.15 In the event that an employee complains of harassment and/or bullying by employees of contractors/partnership agencies then the College will pursue this rigorously with the external organisation.
- 2.16 If in the event that allegations are made against College employees from external sources such as employees of contractors/partnership organisations

then (in the absence of any specific agreement to the contrary e.g. secondment) this procedure will be used.

- 2.17 This procedure will apply to all current and former employees of the College, within the timescales prescribed.
- 2.18 The College reserves the right to vary the procedure in exceptional circumstances e.g. to protect witnesses. Any variations will be shared with interested parties in the spirit of transparency and openness with regards to procedural matters.

### **3 DEFINITION OF HARASSMENT AND BULLYING**

- 3.1 Harassment can be defined as:

“Any behaviour, deliberate or otherwise, directed at an individual or group of people that is found to be threatening, demeaning, humiliating, offensive or objectionable to the recipient (s) and which undermines the dignity of people at work”.

- 3.2 Bullying can be defined as:

“The abuse of power leading to offensive, intimidating, malicious, insulting, degrading or humiliating behaviour”

### **4 WHAT CONSTITUTES HARASSMENT AND BULLYING?**

- 4.1 The key to distinguishing between what does and does not constitute harassment and bullying is that the behaviour is unwanted, uninvited and unwelcome by the person towards whom it is directed. It should be noted that often recipients of harassment do not immediately voice their objections to the treatment and the fact that someone has not objected does not mean that the treatment is welcome.
- 4.2 It is not the intention of the perpetrator, but the action itself and the impact on the recipient, which determines whether something might constitute harassment. Intention, or lack of intention, are clearly important but cannot in themselves be regarded as ‘evidence’ of harassment or bullying, since lack of intention may have little bearing on how an act or statement is perceived and experienced.
- 4.3 When considering whether behaviour constitutes harassment, actions should be judged objectively to determine their reasonableness in the particular circumstances.
- 4.4 In considering perceptions of harassment and bullying, it is vital to be aware of the potential for cultural differences in respect of behaviours. Individuals will have different thresholds and understandings and these need to be considered by everyone who is involved in trying to resolve a particular issue or complaint.
- 4.5 Harassment can range from extreme forms such as violence and bullying, to less obvious action like deliberately excluding a colleague from conversation or activities.

4.6 Harassment and bullying can take many forms and occur on a variety of grounds either as a single or repeated action. It can include physical, verbal, written and non-verbal harassment/bullying. It may be directed at an individual or group of individuals. Examples include:

- Physical contact ranging from touching to serious assault
- Verbal and written harassment through unwelcome jokes, offensive language, gossip, slander, letters, comments about differences, real or perceived
- Visual display of posters, graffiti, obscene gestures, flags and emblems
- Isolation or non co-operation at work, exclusion from workplace social activities
- Coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups
- Intrusion by pestering, spying, unreasonable 'checking up' on whereabouts etc
- Insulting or harassing colleagues through 'cyber bullying', via messages or graphics on electronic mail systems
- Behaviour which undermines an individual's social identity
- Mimicking people with disabilities

The list is not exhaustive but gives some examples of the ranges of behaviour that may constitute harassment/bullying.

4.7 Although harassment may be overt it can also appear in far more subtle guises. In some cases, it can consist of thoughtless acts on the perpetrator's part. Further guidance to assist in identifying what types of behaviour may constitute the different forms of harassment/bullying is set out in Appendix B – Examples of Harassment and Bullying.

## **5 TYPES OF HARASSMENT AND BULLYING**

5.1 There are many types of harassment and bullying and these include those on the grounds below:

- Sexual Harassment
- Racial Harassment
- Sexual Orientation
- Gender Identity
- Religion or Belief or absence of Religion or Belief
- Political convictions
- Social Class
- Victimisation (unfair treatment of an individual who challenges unacceptable behaviour)
- Membership or non-membership of a trade union
- Age
- Disability, sensory impairment or learning disability
- Real or suspected infection with HIV/Aids or other medical condition.

The above list is not exhaustive.

5.2 Any person or group perceived as different may be subject to harassment. Health, physical characteristics, personal beliefs and other factors may lead to harassment which can occur between people of the same sex or opposite sex. Refer to Appendix B – Examples of Harassment and Bullying.

5.3 An employee will not be permitted to use his/her adherence to a political/religious belief system to justify discriminatory behaviour and/or harassment of others.

## **6 EFFECTS OF HARASSMENT AND BULLYING**

6.1 Harassment and bullying whether intentional or otherwise, harms people who are subjected to it. The effects may include a deterioration of the physical and/or mental health of the recipient.

6.2 Harassment and bullying undermines the dignity and confidence of the recipient. It may cause embarrassment, anger, anxiety, fear, guilt and stress and make going to work difficult. In addition, it may put strains on personal and family life. It may lead to illness, increased absenteeism, and an apparent lack of commitment, poor performance and even resignation. All of these have a direct impact on organisational effectiveness and the service we provide.

6.3 Employees who witness bullying and harassment may also be adversely affected as they may feel guilty for failing to stop it or worry that it will be their turn next.

## **7 INFORMAL PROCEDURES**

7.1 If an employee feels he/she is or has been harassed and/or bullied he/she should write down what has happened as soon as possible after the event and, if necessary, continue to maintain a log of subsequent incidents. There is no requirement to wait for more than one incident before the procedure may be instigated. A note should be made of any witnesses to the harassment and/or bullying.

7.2 Employees may wish to talk about a problem informally and in confidence with the Human Resources Team or their Trade Union representative. The College's Fairness Team are also available should an employee wish to discuss their situation with a member of this team.

7.3 In many cases of harassment/bullying the recipient may wish to raise the problem informally with the alleged perpetrator pointing out that their conduct is unwelcome and unwanted, offensive or interfering with their work and that they wish for the behaviour to stop.

7.4 If the employee finds it difficult or embarrassing to raise the problem directly with the person creating the problem they may wish to seek the support of their line manager, a Trade Union representative, HR representative or work colleague. Where the complaint is about an employee's line manager, the complaint may be raised with a more senior member of management.

7.5 The manager may meet the alleged perpetrator and may arrange a meeting between the two parties, if this is deemed appropriate and both parties agree. (Please refer to Appendix C – Managers Guidelines – Dealing with complaints under the Dignity at Work procedure).

- 7.6 The purpose of the meeting is to resolve matters informally. A record of actions agreed must be kept. The manager may seek the advice and assistance of the HR team in attempting to resolve matters informally. The complainant and/or alleged perpetrator may seek the advice of a Trade Union representative or workplace colleague in attempting to resolve matters informally.
- 7.7 As part of the informal procedure the services of a counsellor/external mediator may be engaged. A complainant may request, a counsellor from the same ethnic background, sex, sexual orientation etc. as the complainant and this should be facilitated wherever possible.
- 7.8 The informal procedure should normally be completed within 10 working days. Where this is not possible, relevant parties should be notified of the likely timescale.

## **8 FORMAL PROCEDURES**

- 8.1 The formal procedures will be necessary in those instances where the informal route has proved ineffective or where the allegation of harassment/bullying is of such a serious nature that it is necessary to invoke the formal procedure from the outset. It may be necessary for management to instigate a formal investigation in the absence of a formal written complaint from the complainant in order to ensure the College complies with its duty of care and equalities legislation. The individual who is claiming harassment and/or bullying has the right to proceed straight to the formal procedure if they wish. Advice can be sought from HR or a Trade Union representative.
- 8.2 If an employee feels he/she is or has been harassed, he/she should write down what happened as soon as possible after the event and, if necessary, continue to maintain a log of subsequent incidents. There is no requirement to wait for more than one incident before the procedure may be instigated. A note should be made of any witnesses to the harassment and/or bullying.
- 8.3 Any complaint of harassment and/or bullying should be made within four months of the first or more recent event, unless there are clear exceptional circumstances why this is not possible. There may be occasions where an individual might want to complain about a number of small incidents which have occurred over a period of time and only feel in a position to complain some months later.
- 8.4 For most allegations of harassment, the individual who is claiming harassment should make a formal complaint by completing the form at appendix F (Formal Complaint – Dignity at Work Procedure) and return this to their line manager within 10 working days. The individual complaining of harassment and/or bullying may wish to seek trade union advice and support when completing this form.
- 8.5 In cases where the line manager is an alleged perpetrator of the harassment, the employee should return the complaint form directly to the next level of management, i.e. their line manager's manager or a member of the HR team if preferred.
- 8.6 The manager receiving the complaint should consult with the Director of Human Resources or Human Resources Manager in order to nominate an



appropriate person or team to carry out the investigation. Consideration should be given to role and diversity when compiling an investigation team. This should not normally include the line manager of the employees concerned. In some circumstances the College reserves the right to refer the investigation to a person external to the organisation. For example, on occasions where it is difficult to identify a suitable Investigating Officer/Team senior to the person who the allegations are being made against or who have no prior involvement with the case.

- 8.7 If the allegation is against a senior post holder, then refer to relevant policy.
- 8.8 The complaint should be acknowledged in writing by the manager receiving the complaint as soon as possible and normally within 5 working days receipt. The alleged harasser should be given written notification, and will normally be given copy of the complaint form at the same time, this will be undertaken by the Human Resources Team. Both parties should be provided with a copy of this procedure.
- 8.9 The investigation officer/team should commence an investigation into the alleged harassment/bullying at the earliest opportunity and normally by no later than 10 working days after the complaint has been lodged. The investigation should aim to be completed normally within 20 working days. Where timescales cannot be met both the alleged harasser and the complainant should be informed in writing of the reason for the delay and the likely timescales.
- 8.10 The purpose of the investigation is to establish the facts, not to simply prove/disprove the allegation. Both parties should be given every opportunity to state their views (See Appendix D – Guidance notes on carrying out investigations). No disciplinary action should be taken until the matter has been fully investigated.
- 8.11 In some circumstances it may be necessary to suspend the alleged perpetrator(s) pending investigation. This will be a decision taken by a senior post holder after taking advice from the Director of Human Resources.
- 8.12 Both the alleged perpetrator and the individual making a complaint will be entitled to be accompanied at any investigation interview by a trade union representative or work colleague.
- 8.13 Arrangements will be made for the protection of the complainant and the alleged harasser, if requested, whilst the investigation is being conducted. This may include special leave or reassignment. Both parties must not be victimised in any way, either while the matter is being investigated or at any time afterwards.
- 8.14 In receipt of the investigation report the manager who has commissioned the report should consider the appropriate course of action in line with the recommendations of the report, this may include:
  - a) Informing the employee and alleged harasser that no misconduct has been found and the matter is now at an end
  - b) Agreeing a way forward with a joint resolution
  - c) Recommend guidance, counselling or training for the alleged harasser
  - d) Voluntary transfer/redeployment of one of the parties

- e) Referral to the disciplinary procedures either where harassment/bullying appears to have taken place or where the complaint appears to be vexatious or malicious

- 8.15 The manager, in conjunction with Human Resources should confirm in writing to the parties the course of action selected as appropriate. It will not be appropriate to share the details of what action maybe being taken as this would be a breach of confidentiality. Further advice on this matter should be sought from Human Resources.
- 8.16 Either party will have the right of appeal under the formal procedure (section 8). Individuals can appeal if they believe the process has not been followed or if the outcome is viewed as too severe. This does not permit the re-submission of a dignity at work complaint.
- 8.17 Where disciplinary action is recommended then refer to the disciplinary procedure with regards to steps to follow. It will not be necessary to undertake a further investigation if this is not felt necessary.

## **9 MEMBERS OF THE PUBLIC/LEARNERS**

- 9.1 If an employee is harassed by a member of the public and is unable to deal with the matter directly, they should withdraw themselves and inform their line manager immediately.
- 9.2 The manager responsible for the employee will ensure as far as is reasonably practicable that the employee is not placed at further risk of harassment/bullying.
- 9.3 If an employee is found to be harassing/bullying any member of the public/learner the employee may be subject to disciplinary action.

## **10 LINKS TO OTHER PROCEDURES**

### **10.1 Discipline Procedure**

- a) If the matter has been fully investigated under the Dignity at Work Procedure, it will not be necessary to conduct an investigation under the disciplinary procedure. If disciplinary action is recommended then the disciplinary procedure will be applied.
- b) Vexatious or malicious complaints, if proven, may result in the disciplinary procedure being invoked against the complainant.

### **10.2 Grievance Procedure**

- a) Any grievance or complaint concerning alleged procedural defects under the Dignity at Work procedure should be raised via Human Resources in writing outlining the procedural aspects which have not been followed. Any grievance of this nature will be investigated as part of the Dignity at Work policy and not by way of instituting separate grievance procedures. The complaint can be raised either during the investigation process or as part of an appeal.

- b) In the event that the Disciplinary Procedure has been invoked following the completion of an investigation under the Dignity at Work procedure then any appeals in relation to this must be made under the Disciplinary Procedure.

### 10.3 Complaints Procedure

The complaints procedure is reserved for members of the public and learners and does not apply to employees of the organisation.

## 11 MONITORING

- 11.1 All formal complaints of harassment and bullying will be monitored and reports submitted to the College's senior management team on a termly basis and on an annual basis to the Employment Committee.

**GUIDELINES FOR STAFF  
PROMOTING DIGNITY IN THE WORKPLACE****Why does Bolton College need a Dignity at Work Procedure?**

The procedure aims to promote the right of every individual to be treated with dignity and respect and to eliminate harassment and bullying at work.

**What should I do if I feel that I am being harassed or bullied?**

You do not have to go through this alone and have choices available regarding the best way forward. For example, you may wish, in the first instance, to talk about your experience informally with a friend, work colleague, member of the Fairness Team, Trade Union representative, your line manager or in confidence with the Human Resources Team to look at the options available.

It may be useful to write down some details of the harassment, such as when and where it happened. Such a diary will help you present the facts later.

**What if I'm not sure about making a complaint?**

You can discuss your experience with a friend or Trade Union representative without having to take it further.

You may also choose to discuss your concerns with your line manager or the Human Resources Team. Whilst your wishes will be respected, as far as possible, you should be aware that in certain cases these people may be obliged to instigate a formal investigation because of the College's duty of care to you.

When discussing the issues informally you will be made aware of the choices available to you.

For example, you might wish to do something yourself to stop the harassment or bullying such as telling the perpetrator how what they are doing is affecting you and telling them how you want their behaviour to change. You may wish to have the support of a work colleague, trade union representative or work colleague for this.

You might decide that you do not want to deal with the issue yourself and explain the situation to your manager and ask them to take action.

You may wish to make a formal complaint.

### **What if it is my manager who is harassing and/or bullying me?**

In this case you may want to explore the option of meeting with your manager's line manager to explain the situation.

### **Will my manager tell the person harassing and/or bullying me that I have complained?**

Not if you do not want this to happen, except in rare cases where the manager has no choice.

Your manager may be able to do something to stop the harassment and/or bullying without this being necessary. However, if your manager thinks that more investigation is needed it may not be possible to keep your complaint confidential. This may be the case, even if this is against your wishes, where the allegation is of a serious nature or an investigation is necessary for the College to comply with its duty of care and equalities legislation. Such a decision will be discussed with you.

### **If my complaint of harassment is formally investigated what does that mean for me?**

An Investigating Officer or team will be set up. This will not normally include your line manager. You will be interviewed to obtain all the details. During this interview you will have the right to have a trade union representative or work colleague with you.

All the different people involved will also be interviewed.

The investigation will normally be completed within twenty working days and you will be advised of the reasons for any delays.

You will be informed of the outcome of the investigation.

### **What happens next?**

There are many possibilities. Disciplinary action may be taken against the person who harassed and/or bullied you or some other action may be taken to make sure that harassment and/or bullying stops. It may be that the result of the investigation is that there is insufficient evidence to demonstrate that you were being harassed and/or bullied.

### **Where can I find more information?**

The College's Dignity at Work policy may answer your questions or you may choose to seek advice from the Human Resource Department or your Trade Union representative.

**APPENDIX B**

## EXAMPLES OF HARASSMENT AND BULLYING

Harassment can be defined as any behaviour, deliberate or otherwise, directed at an individual or group of people that is found to be threatening, demeaning, humiliating, offensive or objectionable to the recipient (s) and which undermines the dignity of people at work.

### 1. Sexual Harassment

- 1.1 This form of harassment is unlawful under the provisions of the Sex Discrimination Act 1975.
- 1.2 This can include unwelcome physical, verbal or non-verbal conduct. It commonly refers to unwelcome advances or requests for sexual favours, often linked to promises or threats about employment prospects.
- 1.3 Sexual harassment is about power of one individual over another, it is not necessarily about sex. Sexual harassment may have nothing in common with a personal relationship because it usually has its basis in the demonstration of power rather than affection. The key criterion is that the behaviour is unwelcome.
- 1.4 Sexual harassment can include the following:
  - Unwelcome sexual advances whether of a verbal or physical nature up to and including demands of sexual favours
  - Unnecessary touching, patting, pinching or pushing against an employee's body;
  - The worsening of working conditions after the refusal of sexual advances
  - Isolation, non co-operation at work, or exclusion from workplace activities
  - Personal body space. It is important to recognise that close proximity which falls short of actual physical touch can also be unwelcome or uncomfortable
  - Verbal and written harassment through jokes, offensive language, gossip slanders, letters, and email messages
  - Visual display of posters, graffiti, obscene gestures and emblems
  - Comments about the ability at work of one or other gender

## **2. Racial Harassment**

2.1 Racial harassment may constitute race discrimination within the meaning of the Race Relations Act 1976.

2.2 Racial harassment can include the following:

- Racist language or abuse
- Racist “jokes” which would include jokes made about any group, e.g. based on nationality or racial/ethnic group
- Racial stereotyping within the workplace which results in employment opportunities not being afforded to that individual
- An offensive manner in communication which is not used with other employees from other ethnic groups
- Isolations, non-co-operation at work, or exclusion from workplace talk or activities
- The judging of an employee’s work performance by a manager more harshly than similar performance by any other employee of other ethnic groups; this could include receiving a more negative appraisal than his/her counterpart having achieved a similar level of performance.

## **3. Harassment of Disabled People**

3.1 Harassment of disabled people can include the following:

- “jokes” about disabled people (this could include jokes not only in relation to those who have any form of physical impairment, but those whose disability takes the form of any kind of sensory impairment or learning difficulty)
- unwanted or patronising comments which draw attention to the employee’s impairment
- unwanted or patronising comments which draw attention to any employment aids or equipment they may use
- stereotyped comments in relation to a disabled person’s capabilities
- isolation, refusal to assist or non co-operation at work, exclusion from workplace talk or activities
- judging a disabled person on grounds more harshly than a non-disabled person’s performance which is similar
- abuse directed at the disabled person because of their disability

#### **4. Harassment on the Grounds of Sexual Orientation**

4.1 Harassment on the grounds of sexual orientation may take the form of:

- Anti-lesbian and gay jokes
- Innuendoes and teasing by colleagues because of their sexual orientation
- Unwanted jokes and comments implying that the lesbian or gay member of staff should find a partner of the opposite sex
- Threatening to publicise or actually publicising the fact that a colleague is lesbian or gay
- Exclusion from the workplace talk or activities
- Isolation or non co-operation or work
- Abuse or offensive language concerning a person's sexuality

4.2 It should be recognised that because of the discrimination faced by lesbians and gay men, instances of harassment, especially sexual harassment that occurs may be unreported by individuals due to a fear of being identified as lesbian or gay.

#### **5. Harassment on the Grounds of Religion or Belief**

5.1 Harassment on the grounds of religion or belief may include:

- Unwanted jokes or comments about dress, diet, prayer or customs associated with religion or belief
- References made to an individual's religion or belief in a derogatory manner
- An individual's religion or belief being brought to the attention of other staff
- Innuendoes and teasing by colleagues on the basis of an individual's beliefs

#### **6. Bullying**

6.1 Bullying can be defined as:

“The abuse of power leading to offensive, intimidating, malicious, insulting, degrading or humiliating behaviour. ”

6.2 Bullying is a form of harassment, which prevents an individual from reaching his/her full potential because of the inherent inequality of the workplace within which he/she works. Bullying is aimed at intimidating, undermining, coercing or humiliating the individual to whom it is directed. It includes actions, comments, physical contact or behaviour that is found to be objectionable by the recipient. Bullying can take place amongst colleagues at the same or different levels.

6.3 Bullying may take the form of:



- Personal abuse either in public or private
- Using abusive language
- Unjustified constant criticism
- Continually ignoring or excluding an individual
- Persistently setting targets with impossible deadlines

6.4 Bullying is complex and often difficult to describe by those affected by it. Bullying is under-reported because it may be perceived to be trivial by the person to whom it is being reported or because of embarrassment on the part of the complainant.

**MANAGERS GUIDELINES – DEALING WITH COMPLAINTS UNDER THE DIGNITY AT WORK PROCEDURE****1. Introduction**

- 1.1 These guidelines aim to assist managers in understanding their role in the implementation of the Dignity at Work procedure and to help managers try and eliminate harassment and bullying in the workplace during their day-to-day managerial responsibilities.
- 1.2 These guidelines should be read in conjunction with the Dignity at Work policy.

**2. Responsibility**

- 2.1 Managers have a duty to ensure that unfair treatment does not occur in work areas for which they are responsible, by:
  - Engendering a team ethos and an appropriate working environment
  - Challenging inappropriate behaviour
  - Responding to, and supporting any employee complaint about unfair treatment
  - Providing full and clear advice on the procedures to be followed
  - Ensuring that no repetition or victimisation occurs after a complaint has been resolved.
- 2.2 If there is clear evidence that a manager has not taken the necessary action to deal with a legitimate complaint he/she may be subject to disciplinary action.
- 2.3 If a member of staff complains to their manager about harassment the manager should discuss with them all the possible methods that could be used to resolve the issue including mediation, informal procedures and formal investigation.
- 2.4 In some circumstances a manager may not receive a formal complaint from an individual but may become aware that harassment may be occurring. When this happens the manager should seek the recipient's views on what he/she would like to happen next. These should be taken into account. However, it may be necessary to instigate an investigation in the absence of a formal complaint from the recipient because the allegation of bullying/harassment is of such a serious nature that it is necessary to invoke the formal procedure from the outset.

### **3. Setting the Right Example**

- 3.1 It is important to set a good example to colleagues, particularly those whom you are responsible for managing or supervising by avoiding inappropriate behaviour.
- 3.2 It is a mistaken belief that such matters are best left to the individual concerned to sort out or that the issue may 'go away' or 'resolve itself'. If you discover any behaviour which you believe might be offensive to other employees you must take immediate action to address it by counselling, or if appropriate, cautioning or warning the person about their behaviour.
- 3.3 Let your staff know that you will take the issue of harassment and bullying seriously. Discuss it with your staff. Make sure that they have an understanding of what it means, what action they can take (and what support they can get and where this can be found) if they feel harassed.
- 3.4 Do not assume that no complaint means no problems - watch for behavioural changes in your staff, particularly the least assertive members.
- 3.5 Do not dismiss claims of harassment and bullying. Someone who is being harassed and/or bullied may be reluctant to come forward and may be embarrassed to relate the details of the offensive behaviour/language. They may also be concerned about being believed.

### **4. Dealing with Complaints of Harassment and Bullying**

- 4.1 There are two routes an employee can take if they feel they are being harassed - informal and formal. Where possible all complaints of harassment and/or bullying should be dealt with using the informal route and at the lowest possible level. However, the informal route should not be used to discourage an employee from recourse to using the formal procedure if they wish.
- 4.2 You may be asked to deal with informal complaints of harassment and this may involve meeting with both the complainant and the alleged harasser, either individually or together.
- 4.3 In handling complaints of harassment and bullying you must remember to stick to the procedure, dealing with the claim, quickly, fairly, thoroughly and confidentially and respecting the rights of all parties.
- 4.4 If you are asked to deal with an informal complaint of harassment and/or bullying the following points may be useful:
  - Listen carefully and sympathetically to what has happened

- Find out what occurred by asking:
    - What happened?
    - When did it happen?
    - Where did it take place?
    - Whether it was an isolated incident?
    - Whether there were any witnesses?
  - Deal with emotions carefully, i.e., take breaks, appreciate their feelings, take the matter slowly
  - Inform the complainant of their rights and the option of trying to resolve the matter informally or the route to the formal procedures if they wish to do so.
- 4.5 The individual may wish to confront the alleged harasser and may wish to seek your support in dealing with the matter.
- 4.6 If you decide to arrange a meeting between the complainant and the alleged harasser ensure that both parties are in agreement. You should handle such meetings sensitively and try to establish if a resolution to the problem can be found which is satisfactory to all parties concerned. You will need to exercise mediation and caring skills throughout the process. Keep a note of the meeting and actions agreed.
- 4.7 You may feel that the services of a counsellor/mediator would be useful. This option can be explored with the HR team.
- 4.8 If you feel that the matter is of a more serious nature or the harassment/bullying does not stop or the individual does not wish to use the informal procedure the matter should be referred to the Director of Human Resources to deal with using the formal procedures. The individual will be asked to complete a complaint form and return this to you. You should then forward this as quickly as possible to the Director of Human Resources.
- 4.9 If an employee feels that they have been harassed and/or bullied by a member of the public they you should make every effort to withdraw the individual from any risk of further harassment and any relevant procedures followed. If you suspect that an employee is harassing a student you should, if appropriate, discuss this with the employee in the first instance. The complaints and disciplinary procedures may apply.
- 4.10 If you require assistance in dealing with informal complaints please contact the HR team.
- 4.11 Please remember to treat all cases of alleged harassment and bullying seriously.

**GUIDANCE NOTES ON CARRYING OUT INVESTIGATIONS -  
FORMAL COMPLAINTS OF HARASSMENT AND BULLYING****1. Introduction**

- 1.1 These guidance notes have been produced to assist investigating officers in carrying out investigations under the College's Dignity at Work policy.

**2. Purpose of Investigation**

- 2.1 The purpose of the investigation is to carry out a fair and thorough enquiry into the events in question which may or may not support the complaint. It is not simply to prove or disprove the allegations. The purpose of the investigation is to:

- Clarify the allegation/complaint of harassment and/or bullying
- Gather and try to establish the facts
- Consider the complainants' version of the events
- Consider the alleged harasser's version of events
- Consider any relevant witnesses
- Consider any appropriate action

**3. Role of the Investigating Officer**

- 3.1 An investigating officer will have the task of investigating formal complaints made under the service's Dignity at Work policy. The investigating officer should remain impartial throughout the process and ensure that a fair and thorough investigation is carried out. The investigators role is to:

- Investigate the complaint received
- Establish the facts and evidence
- Produce a report establishing whether or not there is substance to the allegation

**4. Planning and preparing**

- 4.1 Having been given the task of investigating allegations under the Dignity at Work policy you should first try to establish a plan for dealing with the investigation.
- 4.2 This will include drawing up a timetable for interviewing the complainant, the person whom the allegations are being made against

and any potential witnesses that may be identified within the appropriate timescales.

- 4.3 Consideration may need to be given to whether suspension or allowing either of the parties to be placed on special leave and/or reassigned would be appropriate in the circumstances. A decision to suspend may only be made in consultation with the Director of HR and approved by a senior post holder.
- 4.4 Consider questions that may need to be asked of the complainant, alleged harasser and any witnesses prior to interviewing them to save time and to make the interview more structured and organised

## **5. Conducting the Investigation**

- 5.1 Complaints of harassment should be investigated as promptly as possible, normally within 20 working days. The investigation should offer the individual the opportunity to make his/her views known. Where it is considered that additional time will be required then both the complainant and the alleged harasser will be notified and kept informed of progress.
- 5.2 During the investigation stage, the complainant and the alleged harasser should have the right to be accompanied by a representative of a recognised trade union or work colleague should they wish.
- 5.3 Whether or not the complainant or alleged harasser chooses to make a statement, he/she should be advised that the outcome of the harassment investigation may result in formal disciplinary action being recommended.

## **6. Investigation Interview**

- 6.1 In the first instance, the person who has made the complaint/allegation should be interviewed to establish the exact nature of the allegation(s) and for them to identify any witnesses.
- 6.2 Where there are witnesses, signed and dated statements should be obtained from them at the earliest opportunity.
- 6.3 The alleged harasser should then be interviewed and given the opportunity to state their case and respond to the allegation(s) made against them. Furthermore, they should have the opportunity to identify any witnesses.
- 6.4 The complainant, alleged harasser and any witnesses should be made aware that the outcome of the investigation may lead to a disciplinary hearing being held and that they may be asked to attend either to state their case or give evidence as a witness. A standard statement that can be used during the interview is attached at Appendix D1.
- 6.5 When carrying out an interview you should ensure:

**Step 1**

- Make sure you will not be interrupted
- Explain the role of the investigating officer
- Explain the purpose and status of the interview
- Explain the right to be accompanied
- Explain that notes will be taken
- Outline the allegation (s) in full

**Step 2**

- Give them time to respond/state their case
- Ask questions to clarify details, witnesses and any evidence
- Read back notes and agree them

**Step 3**

- Inform them that the interview is confidential and should not be shared with colleagues
- Explain what happens next
- Close the interview

**Step 4**

- Interview notes should be typed
- Investigating officer and complainant/alleged harasser/witnesses should sign and retain a copy of typed statements
- Amend interview notes only if both parties agree, otherwise attach an appendix outlining area of disagreement from either the complainant or alleged harasser.
- Attach statements to the investigation report

**7. Investigation Report**

- 7.1 The final task of the investigation should be to produce a report, which records findings and recommendations, which may or may not include a recommendation for disciplinary action to be taken under the disciplinary procedure.
- 7.2 The purpose of the report is for the manager who has requested the investigation to obtain a picture about what may or may not have taken place.
- 7.3 Whilst a huge amount of information may have been generated throughout the investigation this does not need to be reflected in the report which just needs to be factual and brief. Statements should be attached and clearly identified.
- 7.4 The report should be regarded as a document, which will be available to the complainant, employee whom the allegations have been made against, trade unions and even an employment tribunal; this should be borne in mind whilst drafting the report. Any outstanding management

issues should be included in a separate report to the Director of Human Resources.

- 7.5 The report **should** outline whether it is likely or not that harassment took place and what action is being recommended. This may include transfer to another location, counselling or referral to the disciplinary procedure. (A sample format for the report is attached at Appendix D2).



**INTERVIEW FORMAT****Example 1 – For Complainant**

You have made allegations of \_\_\_\_\_-harassment against \_\_\_\_\_ and as a result I/we have been asked to carry out an investigation into these allegations.

The purpose of this interview is to ask you a number of questions and to establish your version of events relating to these allegations.

This investigation is being carried out in line with the College's Dignity at Work Policy. This investigation may result in disciplinary action being taken and a disciplinary hearing being held in which you may be asked to attend as a witness.

If at any time during the investigation it is found that the allegations you have made are found to be malicious this may result in disciplinary action being taken against you.

Are you happy to proceed with the questions?

**Example 2 – For employee whom allegations have been made against**

I/we are carrying out an investigation into allegations of harassment made against you by \_\_\_\_\_.

The purpose of this interview is to ask you a number of questions and to establish your version of events relating to these allegations.

This investigation is being carried out in line with the College's Dignity at Work Policy. This investigation may result in disciplinary action being taken against you and you may be required to attend a disciplinary hearing to explain your version of events. If gross misconduct is found to have occurred this may result in your dismissal from the service.

Are you happy to proceed with the questions?

### **Example 3 – For Witnesses**

I/we are carrying out an investigation into allegations of harassment made by \_\_\_\_\_ against \_\_\_\_\_.

As part of this investigation you have been identified as a witness by \_\_\_\_\_.

The purpose of this interview is to ask you a number of questions relating to these allegations.

This investigation is being carried out in line with the College's Dignity at Work Policy. This investigation may result in disciplinary action being taken and a disciplinary hearing being held in which you may be asked to attend as a witness.

If at any time during the investigation it is found that you have made malicious allegations this may result in disciplinary action being taken against you.

Are you happy to proceed with the questions?

**SAMPLE FORMAT FOR REPORT**

The following is a suggested simple format for the final report

**1. Background**

Details of the staff structure, working arrangements, and job role of those involved

**2. Nature of the Allegations**

Specific allegations, what has been alleged to have happened

**3. Investigation Process**

Describe the steps taken to investigate the incident

**4. Response from Complainant and Alleged Perpetrator**

Outline the response from the complainant and the alleged perpetrator. This should be a brief outline and statements should be attached in appendix format.

**5. Additional Information**

Provide brief details of witnesses and corroborative evidence taken into account. Outline any mitigating circumstances that have been considered.

**6. Findings and Evaluation**

Statement as to whether the allegations can be supported on evidence or balance of probabilities.

**7. Final Recommendations**

This should be clearly expressed, e.g. disciplinary action should be considered but should not outline what disciplinary sanction would be appropriate e.g. "dismissal is the appropriate option". This is clearly the role for the disciplinary panel.

**DIGNITY AT WORK PROCEDURE – FLOW CHART**

**Harassment Occurs (see Appendix A & B)**

Complainant to keep a note of harassment

**INFORMAL  
(see section 7)**

**FORMAL  
(see section 8)**

Line Manager responsibility  
(see Appendix C)

Written complaint submitted to line manager within 10 working days (Appendix F) or Management initiates investigation

Harassment Stops/Resolution Found

Harassment Continues

Matter reported to Director of HR/HRM

Director of HR & Manager to nominate Investigating Team. Investigation carried out within 20 working days (see Appendix D)

Employee's complaint acknowledged within 5 working days by line manager

**Investigation Report (see Appendix D2)**

Is there a charge to answer?

**Yes**

**No**

Appropriate Action Taken

Investigation Ends. Support and monitoring as appropriate

\* Refer to full policy for information regarding Appeal Processes.

**FORMAL COMPLAINT – DIGNITY AT WORK PROCEDURE**

In order to ensure that all complaints of harassment and bullying are investigated thoroughly and fairly and with the appropriate information, please complete the form below ensuring that all boxes are completed. On completion please return to your line manager or if your line manager is the alleged perpetrator then return to the next level of management i.e., your line manager’s manager.

If you need help completing this form you may if you wish contact the HR Department or your Trade Union representative

**Note:** The person you are complaining about will be given a copy of your allegations. You should not let this deter you from making an honest statement of what has happened.

**Section A – Personal Details**

<b>Name:</b>	
<b>Position:</b>	
<b>Team:</b>	
<b>Line Manager:</b>	
<b>Trade Union Representative:</b>	
<b>Contact Telephone*:</b>	

\* You may if you wish provide an evening contact number.

**Section B – Details of your Complaint**

- 1. Name of alleged Harasser: .....
  
- 2. Position (if known): .....





7. If yes, please provide name (s)

8. How do you think the harassment and/or bullying could be stopped?

**Section C – Previous Action Taken**

Please tick as appropriate

1. Have you approached the alleged harasser about their unwanted behaviour under the informal stage of the procedure?

Yes

No

2. If no, would you be willing to consider using the informal stage of the harassment procedure?

Yes

No

Signature: ..... Date: .....

.....  
**For HR Office Use**

Date submitted to HR: \_\_\_\_\_

Submitted by: \_\_\_\_\_

Date Complaint Acknowledged: \_\_\_\_\_

Acknowledged by: \_\_\_\_\_

Investigating Team: \_\_\_\_\_



**GUIDANCE NOTES FOR STAFF ACCUSED OF HARASSMENT AND/OR BULLYING UNDER THE DIGNITY AT WORK PROCEDURE**

If someone makes a complaint against you, you should consider the following:

- Please read this policy in full and note the obligations of all staff under the College’s policy on harassment and bullying, as well as the legal provisions.
- Differences in attitude and culture or misinterpretation of social signals mean that what is perceived as harassment by one person may not seem so to another. Even though your behaviour may seem harmless to you, it is the other person’s reasonable reaction to your behaviour that is important.
- Listen carefully to the complaint and the particular concerns expressed. Then consider whether the complaint can be justified in any way and whether it would be advisable and appropriate to change your behaviour.
- The first indication you may have that there is a problem may be when a colleague tells you that certain aspects of your behaviour offend him/her and he/she will ask you to stop behaving towards them in a particular manner. All employees are informed that they have the right to ask colleagues to stop behaving in a way, which is insulting, discriminatory or offensive to them.
- Alternatively, you may first be aware that there is a problem when approached by your line manager in an attempt to resolve the issue or being informed that a formal complaint has been made against you.
- If a formal complaint is made against you this will be investigated under the Dignity at Work policy. You will be entitled to be accompanied at any investigation interviews by a work colleague or trade union representative.
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