

# DIGNITY & RESPECT AT WORK GUIDELINES

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## INTRODUCTION

We are committed to developing a work environment in which all employees are treated with dignity and respect. Harassment, bullying and unlawful discrimination are not acceptable and will not be tolerated.

In promoting a culture of dignity and respect, it is necessary to be clear about behaviour that is inappropriate and potentially unlawful, and to specify how any such behaviour should be addressed. This guide provides clear information as to what may constitute harassment and bullying and aims to ensure that all staff prevent harassment and bullying and are aware of their individual responsibilities to act appropriately.

Information on how to raise a complaint is available within this guidance note. All formal complaints must be raised through the University's Grievance Resolution Procedure.

## OVERARCHING STATEMENT

To support a working environment that is free from harassment, bullying and unlawful discrimination, the following principles apply:

- All employees have the right to be treated with dignity and respect.
- All employees have the right to be treated fairly and not be subjected to unlawful discrimination.
- All reported alleged harassment or bullying will be responded to without unreasonable delay and in accordance with the University's Grievance Resolution Procedure. Should the alleged complaint involve an individual's Line Manager as either an alleged perpetrator or witness, the complaint should be reported to the next level of management.
- Individuals are encouraged to try to resolve complaints through the informal procedure where that is appropriate.
- Mediation by a trained person, either internally or from an external source, will be considered, where appropriate, as part of the informal procedure.
- Individuals who are the subject of an alleged complaint are entitled to be provided with details of the alleged complaint and to respond. Complaints under the formal approach will be taken forward in accordance with the University's Grievance Resolution Procedure.
- Where, during the course of investigation of a complaint, it is determined that a disciplinary investigation is required then this will be undertaken in accordance with the University's Disciplinary Procedure.
- Harassment, victimisation, bullying and unlawful discrimination may result in disciplinary action up to and including dismissal.
- Any malicious or vexatious complaints may also result in the Disciplinary Procedure being invoked.
- Access to sources of advice and confidential counselling are available to staff.
- Managers will have access to support to enable them to manage situations of bullying and harassment effectively.

## RESPONSIBILITIES

### All Staff

- As a member of staff, you are responsible for treating all colleagues, students and visitors to the University with dignity and respect.

### Line Managers

- As a Line Manager, you are responsible for ensuring that you are aware of your responsibilities to seek to prevent bullying and harassment in the workplace, to take all reasonable steps to seek to prevent any forms of unlawful discrimination and to take timeous action on any complaints received.
- You should be aware that this responsibility extends to any environment where work related activities take place. These can include social gatherings organised by the University.

### Trade Unions

- This guidance has been developed in partnership with the recognised trade unions, who support the aim of resolving any complaints of harassment or bullying, and that, where appropriate, this is done through informal means.

## WHAT IS HARASSMENT AND BULLYING?

### Harassment

It is generally accepted that harassment is:

Unwanted conduct which has the purpose or effect of affecting the dignity of a person, or of creating an intimidating, hostile, degrading, humiliating or offensive environment. The conduct may be related to any personal characteristic of the individual.



### The Equality Act 2010 prohibits:

- Sexual harassment.
- Less favourable treatment because of submission to or rejection of sexual harassment or harassment related to sex.
- Harassment related to the following protected characteristics of Age, Disability, Gender Re-assignment, Race, Religion or Belief, Sex and Sexual Orientation.

Harassment related to a protected characteristic also covers harassment where the unwanted conduct is related to a relevant protected characteristic of someone with whom the individual is associated, or where the individual is perceived to have the relevant protected characteristic.

Even though the surrounding circumstances will be taken into account when considering whether conduct amounts to harassment, it is important to be aware that an important factor is the perception of the individual. Therefore, conduct can amount to harassment even where the person responsible does not intend the conduct to have that effect.

Harassment may occur in a number of areas and may be physical, verbal, and non-verbal. It is not always face to face and can be through written communication, e.g. e-mail, or via text and other social media. Harassment includes gossip, jokes and innuendo. It may take place over a period of time. However, depending on the circumstances, one instance may also constitute harassment.

To amount to harassment the conduct need not necessarily be directed at an individual but could amount to a culture which appears to tolerate, for example, the telling of jokes against certain groups of people.

Be aware that certain types of harassment may constitute a criminal offence.

***The following are some examples of conduct which can amount to harassment (and the examples are for illustrative purposes only):***

**Harassment related to sex and gender reassignment**

This includes:

- Harassment related to your gender (i.e. harassment because you are a man or because you are a woman).
- Sexual Harassment – This is unwanted conduct of a sexual nature.
- Harassment of those who are transsexual or transgender.

*The following are some examples:*

- Unnecessary or unwanted touching or physical contact.
- Sexually suggestive or derogatory remarks.
- Foul language.
- Compromising invitations or gifts.
- Requests or demands for sexual favours.
- Displays or viewing of sexually suggestive or degrading pictures or objects.
- Any comments which imply that gender impairs the person's ability to perform their job.
- Verbal or physical threat.
- Incitement to any of the above.

**Harassment related to sexual orientation**

This relates to the sexual orientation or perceived sexual orientation of a member of staff and also of anyone with whom a member of staff is associated. Making assumptions about health and lifestyle can lead to conduct which amounts to harassment.

**Harassment related to race, colour, nationality or ethnic origin**

Racial harassment is rooted in racism, ignorance and prejudice and can include physical and verbal attack, threats, derogatory remarks and name calling, exclusion or picking on a person, racist graffiti and material.

**Harassment related to religion or belief**

This relates to the religion, religious belief, non-belief or philosophical beliefs of a member of staff and also of any persons with whom a member of staff is associated. It can include staff who are, for example, atheist.

**Harassment related to disability**

This can be a verbal or physical attack on an individual, and can include jokes, name-calling and derogatory remarks. It is often attributable to unfounded assumptions and lack of understanding about physical or mental disability. It is important to be aware that a person can be disabled even if they don't have any obvious physical difficulties. For example, staff with learning difficulties and non-physical medical complaints can be disabled.

**Harassment related to age**

This can include remarks, jokes or judgements about an individual's ability related to their age. It can often stem from assumptions and stereotypes. All age groups, not just the young and old, are entitled not to be subjected to harassment on the grounds of their age.

## **Bullying**

Bullying may be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying may also amount to unlawful discrimination. Bullying is largely identified through the effect of actions on an individual. It often, but not always, takes place when no witness is present and can be very subtle.

Bullying may also take place via electronic means such as email, text or via other forms of social media (i.e. cyber bullying)

There is not always agreement on what constitutes bullying and some may define alleged bullying as “firm management”. However, whilst Managers are required to manage and to do so effectively, they must

also adhere to the principles of dignity and respect.



***The following examples, whilst not exhaustive, provide guidance on unacceptable behaviour that can amount to bullying:***

- Intimidation or aggression.
- Spreading malicious rumours, insulting someone.
- Ridiculing or demeaning someone.
- Picking on someone or setting up someone to fail – e.g. by setting unreasonable deadlines.
- Exclusion or victimisation.
- Unfair allocation of work or responsibilities.
- Unjustified withholding of information necessary for the individual to undertake their work.
- Taking credit for the work or achievements of others.
- If mistakes occur, seeking to blame others who are not responsible for the mistakes.
- Overbearing supervision or other misuse of power or role e.g. shouting at colleagues in public or in private.
- Making threats or comments about job security without foundation.
- Deliberate overload of an employee or making them subject to unjustified criticism.
- Preventing the progression of individuals by blocking appropriate training or development opportunities.
- Asserting a claim of power to influence any student’s academic career, or a colleague’s career, for better or worse.

## INITIAL STEPS

Any difficulty in defining what constitutes harassment or bullying should not deter an individual from complaining of behaviour which causes them distress. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment or bullying by one person may not seem so to another. **The defining features, however, are that the behaviour is unwanted by the recipient and would be regarded as harassment by any reasonable person.**

Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. In such cases, the University would recommend contacting the sources of support. The University will respect the particular sensitivity of harassment or bullying complaints and their consequences, as well as the need for the utmost confidentiality.

If you feel that you are being harassed or bullied do not think that it is your fault or that you have to tolerate it.

### Informal Resolution

Where appropriate, individuals are encouraged to try and resolve matters on an informal basis with recourse to the formal procedure only where efforts at an informal resolution have been attempted.

Usually the outcome that is most sought is for the alleged behaviour to cease and this can often be achieved through an informal process.

In circumstances where an individual has expressed a concern about inappropriate behaviour in terms of dignity and respect, but feels unable, at that time, to allow their identity to be made known to the person concerned, the University is very limited in the action it can take, if any, in relation to the complaint. The recommended route for resolution of issues is the complaints procedure as noted below.

### Complaints Procedure Initial Steps

- The individual should make a written note of any behaviour which they consider to be inappropriate – describing what has happened with the date and time and the names of any witnesses. This will assist them in setting out their complaint and if it is necessary to proceed under the formal procedure.
- Individuals should seek advice from the appropriate HR Representative, Trade Union representative or Occupational Health.
- Wherever possible, attempts should be made to address issues under the informal procedure as noted below.

## INFORMAL APPROACH / MEDIATION

- If you feel you are in a position to do so, you should approach the person against whom you have a complaint directly and explain to that person what is concerning you.
- If you feel unable to approach the person directly, you should approach your Line Manager for a confidential discussion. Your Line Manager will then contact the person and, where both parties are willing to participate in the informal process, seek to resolve the matter through informal discussion. Your Manager will keep a note of discussions and agreed actions.
- Any issues raised informally with a Line Manager where they consider action may be required will be referred by the Manager to the appropriate HR Representative for advice.
- Where the complaint concerns the Line Manager you should report the problem to your Dean/Director (in cases involving Dean or Director to the next level of the leadership team) who will take advice from the Department of People and OD to determine another manager to work with who will seek to resolve the issue in the manner described above.
- Where informal routes to resolution are not considered appropriate or have failed to resolve the issue, the Manager receiving the complaint will seek advice from the appropriate HR Representative on the potential use of mediation.

### Mediation

Mediation is fast becoming one of the most popular methods of informal resolution and is a process of dispute resolution whereby a neutral third party is invited to intervene in a workplace situation to assist with the constructive resolution of a specific dispute. It is normally very effective during the informal stage.

Mediation is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person helping two or more individuals or groups reach a solution that's acceptable to everyone. The mediator can talk to both sides separately or together. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute.

The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Mediation is time limited (typically lasting one day). The mediator creates the conditions for dialogue by facilitating a safe environment where all parties can communicate and work towards the restoration of an effective working relationship.



Mediators provide a structured process which encourages all parties to identify, consider and discuss their past, current and future interests, needs and goals.

Mediators encourage and facilitate open and honest dialogue between the parties – an approach which often leads to increased awareness, understanding and empathy.

The outcome of mediation is based on self-determination, i.e. the parties, not the mediators, generate, evaluate and agree the outcomes.

Mediation gives all parties access to a fair and equitable form of dispute resolution which encourages sustainable, realistic and shared ‘win-win’ outcomes.

The key features of mediation:

- Mediation is voluntary. Parties cannot and should not be forced to mediate.
- Mediation is confidential. Neither the parties nor the mediator disclose what was said during the mediation afterwards. Notes from mediations are destroyed and parties sign a confidentiality agreement.
- Mediation is safe. The mediator creates a series of ground rules and controls the process with great care and sensitivity.
- Mediation is solution-focused. Mediation could be mistaken by some as a cosy chat. It is not. Mediation allows difficult issues to be aired and strong feelings to be vented. Mediators help the parties to seek a new understanding and a new way of working.

There are no hard-and-fast rules for when mediation is appropriate but it can be used:

- for conflict involving colleagues of a similar job or grade, or between a line manager and their staff;
- at any stage in the conflict as long as any ongoing formal procedures are put in abeyance, or where mediation is included as a stage in the procedures themselves;
- to rebuild relationships after a formal dispute has been resolved;
- to address a range of issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment.

The above informal procedure constitutes the informal resolution stage of the University’s Grievance Resolution Procedure.

## **FORMAL APPROACH**

If the individual is dissatisfied with the outcome of the informal approach, if the conduct complained of does not cease, or if the informal approach is not appropriate, they may raise the matter under the Grievance Resolution Procedure, starting at the formal procedure and omitting the informal stage.

## SOURCES OF SUPPORT

### Department of People & OD

For advice and guidance on bullying and harassment you can contact the Department of People & OD confidentially. [Contact details](#) are available on the staff website.

### Occupational Health

Our Occupational Health service is available across all of our campuses and aims to meet with you on the Campus where you are based or that is nearest to your home, whichever is most convenient to you, or a telephone appointment can be arranged. We can be contacted confidentially at [occupational.health@uws.ac.uk](mailto:occupational.health@uws.ac.uk). [Further information on the service](#) can be found on the staff website.

### Employee Assistance Programme

The Employee Assistance Programme (EAP) is provided by Health Assured. All UWS employees can access free compassionate and confidential counselling support 24/7, 365 days a year free of charge. It is also open to immediate family, whatever challenges they face.

#### Support Available:

- Free 24/7 counselling and legal advice
- Free 1:1 counselling is available nationwide
- Critical incident advice and telephone support
- Online Health portal website and app with a range of wellbeing resources, webinars and programmes.

Call 0800 028 0199. visit <https://healthassuredgap.co.uk> or to access the My Healthy Advantage app, please download it from the App Store or Google Play and enter the following employer code when prompted: MHA008428.

Log into the website with the user name university and password westscotland.

### Trade Union Representatives

At UWS we work in partnership with our recognised trade union representatives. For a confidential conversation and advice and support resolving your complaint, you can contact your trade union representative.

### UWS Report + Support

[Report + Support](#) is an online tool where staff and students can report issues of bullying and harassment, assault, sexual misconduct, hate crimes and discrimination of any sort anonymously, or by reporting with contact details, so that a UWS adviser can provide support. You can also access a range of information about internal and external support. The University encourages colleagues, wherever possible, to disclose incidents openly to ensure that appropriate support can be provided and action can be taken.

### ACAS

ACAS have published information on Bullying and Harassment at Work which is available on the [ACAS website](#).