

Dignity at Work Policy

1 Purpose

- 1.1 Healthwatch Worcestershire recognises that our staff and volunteers have the right to dignity and respect at work in an environment which is free from any form of bullying and harassment.
- 1.2 Healthwatch Worcestershire will show zero tolerance to any form of bullying or harassment and anyone found to be in breach of this policy will be liable to disciplinary action which could result in their dismissal.
- 1.3 This policy is not contractual and does not form part of an employee's contract of employment. Healthwatch Worcestershire reserves the right to make amendments to this policy from time to time at its sole discretion.

2 Definition - what is bullying and harassment?

- 2.1 'Bullying' is defined as offensive, intimidating, malicious or insulting behaviour, an abuse of power through means that undermine, humiliate, denigrate or injure the recipient.
- 2.2 'Harassment' is defined as unwanted conduct related to a relevant protected characteristic (see Diversity and Inclusion Policy), which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment is unlawful in many cases and individuals may be legally liable for their actions; in some cases, their behaviour may also amount to a criminal offence.
- 2.3 Conduct usually becomes harassment if it continues once it has been made clear that it is regarded by the recipient as offensive or unwanted, although a single incident may amount to harassment if sufficiently serious. It is the unwanted nature of the conduct that distinguishes harassment from friendly behaviour which is welcome and mutual.
- 2.4 Harassment can occur whether or not it is intended to be offensive, as it is the effect on the recipient (or complainant) which is important, not whether or not the perpetrator (or alleged harasser) intended to cause offence.
- 2.5 Examples of bullying and harassment may include (but are not limited to):
 - unwelcome sexual advances;
 - spreading malicious rumours or gossip (including by use of e-mail, texts and social media);
 - jokes and offensive language;
 - insulting someone on grounds of their protected characteristic;
 - exclusion from social activities;
 - victimisation;

- unfair treatment;
- ridiculing or demeaning someone;
- overbearing supervision or other misuse of power or position;
- deliberate undermining by constant criticism.

2.6 It should be noted that legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not usually amount to bullying on their own. However, supervisors and managers are expected to set a good example in treating staff courteously and without victimisation.

2.7 Third party harassment occurs when the perpetrator is not an employee of the organisation, but someone else the recipient comes into contact with as a result of carrying out their duties at work, eg a supplier, sub-contractor, client or other partner. It remains the responsibility of the organisation to deal with such incidents and to protect their staff from third party harassment.

3 Confidentiality

3.1 This policy will be conducted with respect for confidentiality and in accordance with the requirements of the Data Protection Act 2018.

4 Audit and Review

4.1 A review of this policy will take place annually unless legal, contractual, specific business requirements, operational changes or events necessitate an earlier review.

3.2 This policy will be subject to Equality Impact Assessment under the Public Sector Equality Duty Act 2010

Dignity at Work Procedure

1 Informal stage

- 1.1 In some cases, it may be possible to rectify matters informally and wherever possible, the recipient should let the perpetrator know that they have caused offence and request that they stop immediately. In many cases, the perpetrator may be unaware of the other party's distress or discomfort and this may be all that is needed to get them to stop.
- 1.2 Alternatively, the recipient may prefer to request assistance from a colleague who may be able to offer another perspective on the matter or provide reassurance and support. External confidential and impartial advice can be obtained from the Citizens Advice Bureau or the ACAS Helpline (0300 123 1100) or ACAS online www.acas.org.uk/helplineonline.
- 1.3 Where the recipient is still unsure as to whether an incident or series of incidents which have occurred constitute bullying or harassment, advice can be sought from a member of management on an informal confidential basis.
- 1.4 In the event that the bullying or harassment is more serious, or if after asking the perpetrator to stop they continue, the recipient will wish to consider making a formal allegation.

2 Formal stage

- 2.1 To initiate a formal complaint, in the first instance, the recipient (the complainant) should advise their manager that they consider that they have been subjected to bullying or harassment at work. Where the complaint is against their manager, they should refer to another senior person.
- 2.2 Consideration will be given to the separation of the parties, whilst at work, taking into account the views of the complainant and any other practical considerations. Where it is necessary to facilitate ongoing professional relations between the parties, other possibilities such as an embargo on meetings without a third party present should be considered and facilitated by management. In the most serious cases, the alleged harasser may be suspended (on full pay) in order for the complaint to be investigated; in these circumstances, suspension is a neutral act and does not suggest that the complaint is more likely to be substantiated than not.
- 2.3 The complainant will be interviewed by their manager or an alternative person appointed by management to establish the full details of what happened; they have the right to be accompanied by a colleague. Notes should be taken and a thorough investigation will then be carried out as quickly as possible. The investigation will be carried out sensitively and with due respect for the rights of both parties.
- 2.4 The investigation will involve interviews with the alleged harasser and any other relevant witnesses. The alleged harasser will have the right to be

accompanied by a colleague at any interviews/meetings. The alleged harasser will be given full details of the allegations and given the opportunity to respond and provide any contradictory evidence or details of other witnesses who can support their evidence. The investigation may also require an examination of relevant documents including e-mails.

- 2.5 Confidentiality will be maintained throughout the investigation. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.
- 2.6 When the investigation has been completed, a report will be compiled and a management assessment will be made as to whether the allegations are substantiated. Both parties will be advised and informed of the next steps.
- 2.7 If the allegation is substantiated, disciplinary action may be taken against the alleged harasser in line with Healthwatch Worcestershire's Disciplinary procedures and in serious cases may result in the individual's dismissal.
- 2.8 In some less serious cases, management may consider that mediation between the parties would be beneficial and both parties will be encouraged to partake. However, this will not be enforced if either or both parties are unwilling.
- 2.9 Alternately, if the allegation is without merit or unsubstantiated, consideration may be given to whether it is necessary to transfer or reschedule the work or working patterns of both or either party, temporarily or permanently, where it would not be appropriate for the parties to continue to work in close proximity to each other.
- 2.10 Malicious complaints of bullying or harassment can have a serious and detrimental effect upon those accused and the workplace generally. Any unwarranted allegation of bullying or harassment made in bad faith will be dealt with via the Healthwatch Worcestershire's Disciplinary Procedures in order to protect the integrity of this policy.