

Employment Policy

Dignity at Work Policy

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Review by date:	
Responsible Manager:	Director of Human Resources

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Policy Statement

The Trust believes that it is totally unacceptable that any employee should encounter harassment, bullying, victimisation, violence, aggression or intimidation during the course of their work. As a Weston Area Health Trust employee you will have both the right and expectation to be treated with dignity and respect.

The Trust aims to ensure that all employees are able to work in an environment free from any form of harassment. Put simply, these behaviours will not be permitted or condoned. We will take firm action where this occurs and will put in place a number of practical measures to achieve this aim.

This policy has been agreed with the Trust Consultative Forum and approved by the Trust Board.

Procedure

Who does this Policy/ Procedure cover?

It applies to **all** employees of Weston Area Health Trust (WAHT). Others working on Trust premises, such as agency workers, contractors, and the staff of partner organisations will be informed of its contents and expected to comply.

Problems of harassment, aggression and violence by service users (patients, carers, patients' relatives, members of the public etc) towards staff are dealt with under the 'Trust's Withholding Treatment Policy'.

What does the policy cover?

This policy covers any form of unacceptable behaviour or abuse, which affect your **dignity** at work and forms part of your contract of employment.

For specific examples of the types of unacceptable behaviour/abuse covered by this policy refer to Appendix 1 but in summary these may be physical, verbal or non-verbal in nature. The behaviours will be unwanted, unsolicited and/or personally offensive to you. They can either be persistent or they might be a 'one-off' incident.

1 Key Principles

What are these?

Harassment can have a devastating effect on people at work, often causing anxiety, loss of concentration and even absenteeism. It can also have a damaging effect on the working environment creating tension in the workplace leading to poor quality work, low morale, high turnover and other associated problems.

The Trust and individual employees have both legal and moral responsibilities relating to harassment in the workplace. This policy has been developed to ensure that:

- everyone is clear about our zero tolerance position on harassment
- you are clear about what is and isn't acceptable to us

- you can see how we intend to deal with issues
- you will feel confident enough to bring forward complaints without fear or ridicule/reprisal knowing that they will be dealt with seriously and sensitively
- everyone is clear about the practical measures we are putting in place
- we can identify who is responsible for what
- we can give some practical guidance and support to everyone on how to deal with harassment
- we are clear about where you can go for support if anything were to happen to you

As an employee with the Trust you will have the following **rights** under this policy:

- to work in an environment free of harassment
- to determine what is inappropriate and unacceptable behaviour
- to have any issues dealt with seriously, sensitively and confidentially
- to have issues dealt with quickly and effectively
- to have access to advice, guidance and support (including counselling)

2 Responsibilities

What Are My Responsibilities?

You are responsible for the following:

- behave with courtesy, dignity and respect at all times
- to not incite, carry out or condone any form of harassment at work
- support colleagues encountering inappropriate behaviour
- report any witnessed incidents of bullying/harassment taking place at work to your line manager
- promote a working environment free from harassment
- discourage harassment or bullying making it clear that it is unacceptable

What responsibilities does my manager have for this policy?

Your manager will be responsible for the following:

- behave with courtesy, dignity and respect at all times
- demonstrating through their personal behaviour that harassment and bullying is unacceptable and will not be tolerated
- being alert to physical and verbal harassment in their work area and deal with it immediately, whether or not it is brought formally to their attention
- providing you with advice/support should you require it
- promoting this policy to your team to increase your awareness and understanding of harassment issues
- ensuring that your work environment is free of visual harassment, e.g. pinups and graffiti
- maintaining confidentiality relating to all aspects of cases of harassment and not mentioning/discussing these unnecessarily with anyone not involved in their investigation

What responsibilities does the Trust have for this policy?

The Trust Board has the following responsibilities:

- behave with courtesy, dignity and respect at all times
- overall responsibility for ensuring that this policy is implemented effectively and for ensuring that levels of harassment are reduced and ultimately eradicated
- leading the organisation by example, demonstrating through their personal behaviour that harassment is unacceptable and will not be tolerated
- understanding and acting on the organisational factors that can lead to harassment and bullying at work, including excessive workloads caused by under-staffing, and organisational change
- implementing/communicating/monitoring this policy and ensuring that managers and 'harassment advisors' receive appropriate training
- putting in place practical measures which support the aim of reducing and eradicating inappropriate behaviour (refer to 5 – 'Policy/Procedure Implementation')

3 Inappropriate Behaviour

How does the Trust define 'inappropriate behaviour'?

Inappropriate behaviour could be any of the following:

Harassment

This can be any form of conduct or behaviour of a physical, verbal or non-verbal kind and has some or all of the following elements:

- is unwanted, unsolicited, unreasonable and personally offensive to the recipient (irrespective of the intentions)
- creates an intimidating, hostile or humiliating work environment for the recipient affecting their dignity whilst at work
- fails to both respect the rights or recognises the impact that such behaviour may have on others
- threatens job security or disadvantages the recipient in some way

Harassment can take many forms including jokes, comments and suggestions, abuse, ridicule, physical contact, non-verbal, mimicking etc. Such behaviour may be persistent or a 'one-off' incident.

Direct Discrimination

This occurs where a person is treated less favourably because of gender, pregnancy, colour, race and nationality, national or ethnic origin, religion, disability, sexual orientation, use of Whistleblowing Procedures, trade union representation and criminal convictions. UK law covers all of these matters. Any liability for less favourable treatment on the above grounds may rest with both the employer and the perpetrator.

Indirect Discrimination

This occurs where a requirement or condition is applied equally to all groups of people but has a disproportionately adverse effect on one particular group. Again proven liability for less favourable treatment may rest with both the employer and the perpetrator.

Victimisation

This takes place where an individual is given less favourable treatment than others in the same circumstances because he or she has made allegations or complaints of discrimination, harassment or bullying or provided information about such allegations or complaints.

Bullying

This can be any form of conduct, behaviour or abuse of power, which is offensive, intimidating, malicious, abusive, insulting or humiliating to the recipient resulting in vulnerability, an undermining of their self-confidence and/or causing them to suffer stress.

Specific examples of the types of unacceptable behaviour covered by these definitions (and therefore the Trust's policy) are attached in Appendix 1. This list is not exhaustive.

4 Legal Context

What's the legal position on Harassment?

The legislation governing harassment, bullying and discriminatory/detrimental treatment towards individual workers is both vast and complex.

Legislation governing this area relates not only to employer responsibilities but outlines circumstances where you may be held liable for deliberate or proven acts of harassment committed against people in the workplace.

Cases involving serious bullying or assault (Public Order Act 1986) or harassment (Protection from Harassment Act 1997) carry a maximum prison sentence of 6 months.

The Trust will actively support employees pursuing criminal/civil action, due to workplace harassment/assault, caused by colleagues and/or patients/carers. This will be in addition to any separate action the Trust will take in accordance with its own Disciplinary Policy/Procedure and the Withholding Treatment Policy.

5 Policy/Procedure Implementation

What practical measures will the Trust put in place to ensure that harassment is tackled?

The Trust will take the following measures:

- implement and monitor the effectiveness of this policy
- extensively brief all existing and future employees about this policy so that they know how and where to raise a concern together with their responsibilities for preventing harassment and bullying from arising

- implement arrangements so that agency/contract staff who come onto Trust premises are aware and abide this policy
- develop clear and consistent leadership/performance management standards, with the aim of making sure that the leaders in the organisation establish a culture strongly based on the Trust's values
- deliver training programmes to managers to give them the skills/knowledge necessary to identify and deal with any problems that arise
- establish a network of employee 'harassment advisers', who will receive specific training, time off and support to provide advice/support to staff with harassment issues
- develop risk management and risk assessment procedures, as part of the Trust's health and safety management activities
- develop incident reporting and monitoring procedures to enable the Trust to identify problem areas and focus on preventative measures accordingly
- deal quickly, fairly but decisively with proven allegations of harassment

6 Help/Support Available

If I am being harassed who can I go to for support?

If you believe that you are a victim of harassment there are many people both within and outside the Trust who can help and support you. These include:

- your line manager
- Senior managers
- Human Resources staff
- Harassment Advisers
- Trade union representatives
- Occupational Health (Counselling Service)
- Employee Assistance Programme – First Assist (0800 716017). This is the Trust's confidential, 24 hour counselling and legal advice service for employees

The Trust has set up a network of employees who have received specific training to provide you with confidential help, advice and support in relation to harassment issues. Research has found that employees often feel more comfortable raising issues with someone who is not in a management position and is 'independent'. Names and contact arrangements for the Trust's 'harassment advisers' can be found on the Intranet, telephone directory and notice boards.

7 Informal Approach

I Am Being Harassed, What Are My Options for Dealing With It?

This will depend entirely on the type of inappropriate behaviour you have/are encountering. This policy places an emphasis on attempting to resolve issues informally, as far as possible. If you feel that these issues can or should be resolved informally then this would be the best approach, initially

If the inappropriate behaviours you have/are encountering have been particularly serious in nature and/or persistent (refer to Appendix 1 – Specific Definitions and Examples of

Unacceptable Behaviour) it will be more appropriate for you to make a formal complaint, which would be investigated in line with the Trust's Disciplinary Policy.

How would I make an 'informal approach'?

Make a written record of the alleged incidents of harassment. This should record, where possible, the date, time and location of the incident(s), details of what was said or done, and names of any witness/es that were present. This record may be needed as evidence should harassment continue or subsequently reoccur.

Consider, if you feel comfortable to do so, speaking to the harasser to request that they stop their inappropriate behaviour(s). Many problems of harassment can be solved in the early stages. This will be particularly true if the individual is unaware that their behaviour is causing offence.

The following notes provide some guidance on how to make an informal approach:

- plan what you want to say
- choose a suitable time and place when you can talk without interruption or being overheard - this does not mean waiting until everyone has gone home
- be specific about their behaviour, have an example ready to support what you are saying
- say how you felt, how it affected you, whether you were hurt, embarrassed, humiliated or angry
- remember that you do not have to justify why you were offended or why you want things to change
- do not discuss or debate their behaviour with them
- make it clear that you want it to stop

The above could be undertaken alone or you may wish to be accompanied by a harassment adviser, union representative (if you are a member), your line manager or a manager within Human Resources.

You could ask your line manager to approach the alleged harasser on your behalf. This may be particularly useful where the alleged harasser is in the same team as you and could lead to the alleged harasser undertaking suitable training to support them in changing their behaviour.

Alternatively you may prefer to write to the harasser covering the points outlined above.

If your request to the harasser fails and the harassment continues, or you do not feel able to confront the harasser refer to 8 – 'Formal Approach' for details on how to make a formal complaint.

Whilst the decision to progress a complaint will normally rest with you, the Trust reserves the right, where cases are particularly serious, to pursue this irrespective of whether you wish to formalise a complaint. In these circumstances the Trust would need to balance its obligations to you with its legal and moral responsibilities to other employees.

8 Formal Approach

I Am Being Harassed, When Should I Use the Formal Approach?

You should use this in the following circumstances:

- when you feel that your informal attempts have been exhausted but the harassment continues
- when the harassment is of such a serious nature that it would not be appropriate to follow the informal approach
- where you do not wish to pursue the informal approach

How Should I Make a Formal Complaint?

You should speak to your line manager informing them that you are wishing to make a **formal complaint**. If this is not appropriate (i.e. it is your manager who is harassing you) or you feel unable to do this, you should speak to a more senior manager or a member of the Human Resources Department.

What will happen next?

The following steps would take place:

- a thorough, impartial and objective investigation would be undertaken by a Senior Manager and a member of the Human Resources Department
- you would be interviewed (with a friend, colleague, harassment adviser, trade union representative present as appropriate) to establish the full details of your allegations
- the investigators would review any written records that you have taken (names, dates, times, places, nature of the events and any witness/es that were present) and would obtain a statement from you
- the investigators would decide whether it is necessary for either you or the harasser to be redeployed to another position while the investigation takes place (In more serious cases it may be necessary to suspend the alleged harasser in line with the Trust's Disciplinary Procedure)
- the investigators would interview the alleged harasser and any witness/es present to the events (accompanied, as appropriate)
- the investigators would, under normal circumstances, aim to complete the investigation within 15 working days

In line with the Trust's values of openness and transparency you should note that the alleged harasser will be given full details of the nature of the complaint/allegation(s) made * so that they are given every opportunity to provide a full response.

* *In very exceptional circumstances, where serious allegations have been made and the victim of harassment/bullying has a real concern about protecting their identity due to fear of reprisals, the Senior Manager can give an anonymised disclosure of the complaint(s) to the alleged harasser. Victim anonymity could be applied during the investigatory process and potentially at a disciplinary meeting where the victim may give evidence without the alleged harasser being present.*

What Happens After the Investigation?

The Senior Manager would review all of the information obtained during the investigatory process and is responsible for determining an outcome to the investigation. They would communicate one of the following outcomes to both yourself and the alleged harasser:

- no further action is required
- that there is a requirement for the alleged harasser to meet informally with the senior manager to discuss/review any identified learning points from the investigation
- that there is a requirement for a formal Disciplinary Meeting to take place to consider whether disciplinary action should be taken against the alleged harasser
- if appropriate, decide whether any redeployment/suspension decisions should remain in place until the outcome of the disciplinary meeting

What Happens If It Is Decided to Proceed to a Disciplinary Meeting?

The senior manager who investigated your complaint will be responsible for organising all aspects of the disciplinary meeting. You would be invited to attend this meeting to give evidence as a witness.

Following the meeting, the panel who hear all the evidence decide whether to take disciplinary action against the alleged harasser. This could range from no action, to warnings and even dismissal depending on the seriousness of the allegation(s). If a warning is issued the panel could also decide to transfer/redeploy the harasser.

If following a disciplinary meeting you wish to transfer to another department, the Trust, where possible, will be able to do this to occur and ensure that you are not disadvantaged in any way.

What Happens If It Doesn't Proceed to a Disciplinary Meeting?

You will be given an explanation of why it was not felt appropriate for the issues to be considered at a disciplinary meeting.

If you feel that your complaint has not been handled appropriately or feel that this was the wrong decision you can take out a grievance against the senior manager who investigated your formal complaint (refer to the Trust's Individual Grievance Procedure).

If you work in the same department as the alleged harasser and you feel that it will be difficult to continue working there you can make a request to be transferred to another post. In addition, if the alleged harasser finds it difficult to work in the same department, they may also put in a request to be transferred. Serious consideration will be given to both these requests.

If the senior manager believes that your harassment complaint/allegation(s) was deliberately false or malicious you will be suspended from duty and required to attend a Disciplinary Meeting, where a decision to dismiss you from your post may be taken.

9 Monitoring and Reporting Arrangements

How will records of alleged incidents be kept?

The Trust needs to keep records of the number of alleged incidents of harassment that have been raised. A confidential monitoring form has been developed for this purpose, and is attached to these Procedures (refer to Appendix 2 – Staff Harassment – Confidential Monitoring Form). Those responsible for providing support and advice about harassment have been issued with copies of the form and will send a copy to the Human Resources Department each time a member of staff contacts them with a concern.

The form does not name the individual raising the concern, or the individual complained about. It contains details of the gender, ethnic origin, age and department of the individual who raises the concern, so that the Trust can identify which groups and departments appear to be particularly 'at risk' (although complainants can ask for these details to be omitted if they feel they would identify them).

Where incidents of harassment and/or bullying are found to have taken place these must be recorded under the Trust's Incident/Reporting arrangements.

The Human Resourcing Department will be responsible for monitoring the effectiveness of this policy and procedure. They will provide annual statistics to the Trust Board and Trust Consultative Forum to inform discussion about the progress the Trust is making in reducing/eradicating harassment.

10 Review of Policy/Procedure

This procedure may be reviewed at the request of management or the recognised Trade Unions by giving 4 weeks notice of the request and the reason(s) for the review.

SPECIFIC DEFINITIONS AND EXAMPLES OF UNACCEPTABLE BEHAVIOUR

Specific Definitions – please note that within each of the definitions the lists of unacceptable behaviours are purely illustrative and are not intended to be exhaustive:

SEXUAL HARASSMENT

This is unwanted conduct of a sexual nature, or other conduct based on gender affecting the dignity of men and women at work. This includes issues relating to sexual orientation and gender reassignment. The following are examples of the forms that sexual harassment can take:

Physical Harassment

- Deliberate physical contact, such as touching, groping or fondling ranging to serious assault

Verbal Harassment

- Suggestive, explicit or offensive language
- Unwanted propositions, pestering, coercion/pressure for sexual favours
- Questions of a sexual nature

Non-verbal Harassment

- Staring or leering
- Offensive publications, letters, posters etc
- Inappropriate use of modern technology e.g. offensive e-mail messages, faxes, inappropriate screen savers, text messages
- Display of pornographic or suggestive literature
- Sexual gestures

RACIAL HARASSMENT

Research shows that ethnic minority groups experience a large proportion of harassment. The following are examples of the forms that racial harassment can take:

Physical Harassment

- Pushing or jostling
- Assault

Verbal Harassment

- Racist nicknames
- Verbal threats
- Racist jokes and comments

Non-verbal Harassment

- Racist graffiti
- Threatening behaviour
- Offensive publications, posters, signs, flags
- Offensive gestures

DISABILITY HARASSMENT

This is any type behaviour, which a person with a disability may find offensive. The following are examples of the forms disability harassment can take:

Physical Harassment

- Pushing a visually impaired person
- Practical jokes
- Moving or interfering with equipment/aides designed to support a disabled person in work without agreement or consent

Verbal Harassment

- Asking personal questions about the disability that the person may find intrusive
- Jokes or inappropriate comments made around the disability
- Patronising comments
- Mimicking a speech, physical, mental, sensory impairment/disability
- Nicknames and derogatory remarks

Non-verbal Harassment

- Isolating the person from work activities or social events
- Making fun of or mimicking the disability
- Staring at or ignoring the person

This includes any behaviour or conduct relating to an employee with a real or suspected HIV/AIDS infection.

HARASSMENT/BULLYING

It is important to distinguish harassment or bullying from a legitimate firm management style and what constitutes an unacceptable abuse of power. In order to carry out their role it is necessary for managers to:

- issue instructions to employees
- set appropriate work related targets and objectives for employees and monitor their achievement
- set standards of workplace performance and behaviour for their employees and monitor compliance
- address poor performance or unacceptable behaviour on the part of employees, using the disciplinary procedure where appropriate

The above managerial functions should be carried out in a professional way, which does not undermine the dignity of employees.

Harassment or bullying can often take place when a person misuses their power or position over someone else; this can be any type of power including physical strength, seniority/status and collective power. The following are examples of unacceptable behaviours, which may constitute harassment or bullying:

Physical

- Grabbing or shaking
- Pushing or hitting

Verbal

- Maliciously gossiping
- Persistent negative attacks on a colleague's performance, undervaluing their contribution and repeatedly reminding them of past failures
- Making threatening telephone calls to a person at work
- Regularly and unnecessarily telephoning a person at their home.
- Publicly reprimanding, criticising or humiliating a person
- Shouting or swearing

Non-Verbal

- Invading a persons privacy, pestering, spying
- Unreasonable or unfair allocation of duties including setting objectives with impossible deadlines or unachievable tasks, placing unreasonable demands, removing and replacing areas of responsibility with lower status/menial/trivial tasks and over-monitoring performance
- Excluding, ignoring or omitting a person, talking through third parties
- Withholding information with the intent of deliberately affecting a colleague's performance

VICTIMISATION

Victimisation is often linked to a harassment situation, where a victim has approached the alleged harasser and told them to stop, or has taken the case into formal proceedings and is subsequently treated less favourably.

There are wide ranging forms of victimisation including making life difficult for a person, general unpleasantness and blocking training/development/promotion opportunities.

THIRD PARTY HARASSMENT

Members of staff should not suffer harassment from a third party e.g. patient, relative/carer, supplier etc. If such a case of harassment occurs then the member of staff should inform their line manager who will take appropriate action to ensure that the harassment does not continue. There is an obligation on the Trust to tell the alleged harasser that this conduct will not be accepted or tolerated by the Trust.

OTHER FORMS OF HARASSMENT

Other forms of harassment include unwelcome, offensive or threatening behaviour including bullying linked to age, personal and physical characteristics, membership or non-membership of a trade union. The behaviour can include making fun of a person's age, or the way a person looks or speaks.

Staff Harassment/Bullying - Confidential Monitoring Form

(For statistical use only - see guidance overleaf)

Sex:	1. MALE <input type="checkbox"/> 2. FEMALE... <input type="checkbox"/>
Age:	1. 16-19... <input type="checkbox"/> 2. 20-29... <input type="checkbox"/> 3. 30-39... <input type="checkbox"/> 4. 40-49... <input type="checkbox"/>5. 50-59... <input type="checkbox"/>6. 60+ <input type="checkbox"/>
Ethnic origin:	1. White - British <input type="checkbox"/> 2. White - Irish <input type="checkbox"/> 3. White - Other <input type="checkbox"/> 4. Mixed - White/Black Caribbean <input type="checkbox"/> 5. Mixed - White/Black African <input type="checkbox"/> 6. Mixed - White/Asian <input type="checkbox"/> 7. Mixed - Any other mixed background <input type="checkbox"/> 8. Asian - Pakistani <input type="checkbox"/> 9. Asian - Indian <input type="checkbox"/> 10. Asian - Bangladeshi <input type="checkbox"/> 11. Asian - Other <input type="checkbox"/> 12. Black - Caribbean <input type="checkbox"/> 13. Black - African <input type="checkbox"/> 14. Black - Other <input type="checkbox"/> 15. Chinese <input type="checkbox"/> Any other background <input type="checkbox"/>
Staff Group:	1. Nursing and Midwifery <input type="checkbox"/> 2. Medical <input type="checkbox"/> 3. Managerial <input type="checkbox"/> 4. Administrative and Clerical <input type="checkbox"/> 5. Ancillary <input type="checkbox"/> 6. AHP <input type="checkbox"/> 7. Other <input type="checkbox"/>
Ward / Department:	
Brief description of issue(s):	
Description of advice given or action taken:	
Form completed previously? *	1. Yes <input type="checkbox"/> (Please give details)* 2. No <input type="checkbox"/>
Name of person completing form (i.e. Harassment Adviser, TU Rep Manager etc):	
Date:	