
Dignity at Work Policy & Procedure

Department: Human Resources

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1. Policy

- 1.1. One Housing Group (OHG) is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect. Harassment may cause the employee stress, affect their health and family and social relationships and may affect their work performance.
- 1.2. OHG will not tolerate bullying and harassment of any kind in the workplace. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. OHG will also not tolerate the victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint.

2. The scope of this policy

- 2.1. This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at OHG, whether by direct contract with OHG or otherwise. If the complainant or alleged harasser is not employed by OHG, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications in such instances OHG could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after a formal investigation indicates they have committed an act of bullying or harassment.
- 2.2. The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events.

3. Definitions of bullying and harassment

- 3.1. **Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.
- 3.2. **Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, sexual orientation, race (which includes colour, nationality and ethnic or national origins), disability, pregnancy and maternity, marriage and civil partnership, religion and belief and age, that:
 - has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
 - is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.
- 3.3. Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Everyone has the right to decide what behavior is acceptable to them and to have their feelings respected by others.
- 3.4. Behavior which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behavior of that type is not acceptable to them. It may not be so clear in advance that some other forms of behavior would be unwelcome to, or could offend, a particular person, e.g. certain "banter". In these cases, first-time conduct which unintentionally causes offence will not be regarded as harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behavior is unacceptable to them.
- 3.5. Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or disabled), when the recipient does not, in fact, have that protected characteristic.

3.6. Harassment also includes circumstances where an individual is subjected to unwanted conduct from a third party, such as a client or customer. If an employee feels that they have been bullied or harassed by customers, suppliers, vendors or visitors, they should report any such behavior to their manager who will take appropriate action. Alleged bullying or harassment of customers, suppliers, vendors, staff, visitors or others by staff will be dealt with through the disciplinary procedure.

4. Examples of bullying or harassment

4.1. Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email (so-called "flame-mail").

4.2. Examples of unacceptable behavior that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, e.g. promotion, access to training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. their child is gay, spouse is black or parent is disabled;
- ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact, have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;
- picking on someone or setting him/her up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- maliciously excluding someone from social activities.

5. Definition of victimisation

- 5.1. **Victimisation** is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.
- 5.2. Provided that an employee acts in good faith, i.e. they genuinely believe that what they are saying is true, they have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the organisation will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised the employee.
- 5.3. Making a complaint that the employee knows to be untrue, or giving evidence that the employee knows to be untrue, may lead to disciplinary action being taken against that employee.

6. Confidentiality

- 6.1. OHG will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, the identity of the employee and the nature of the allegations must be revealed to the person being complained about, so they are able to respond to the allegations.
- 6.2. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed an employee is kept in OHG's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against the employee or others.

7. The Procedure

7.1. Informal

- 7.1.1. Attempts should be made to resolve matters informally. An informal discussion may help the individual to understand the effects of their behaviour and agree to change it. An employee may feel able to approach the person themselves, or with the help of someone in the Human Resources Team, a manager, trade union representative or another colleague. Alternatively, an initial approach could be made on behalf of the employee by one of these people.
- 7.1.2. The employee or their representative will tell the person what behaviour they find offensive and unwelcome, and say that they would like it to stop immediately. The employee may want to add that, if the behaviour continues, they intend to make a formal complaint to their manager or the Human Resources Team. If the complaint relates to their line manager, the employee can speak to the more senior manager in the department or the Human Resources Team. The employee should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and they wish to make a formal complaint. This manager will raise the concern with the alleged perpetrator and then feedback the outcome to the employee who made the allegation.

7.2. Formal

- 7.2.1. If an informal approach does not resolve matters, or the employee thinks the situation is too serious to be dealt with informally, the matter should be raised through the formal process. In the cases of bullying or harassment, the normal grievance procedure is modified so that an employee can choose whether to raise their case with their manager, a more senior or directly with the HR Department. In the latter case, HR will liaise with the employee's Head of Department to identify an appropriate investigating manager. The employee's written statement will form the basis of the subsequent hearing and any investigation, so it is important that it sets out clearly the nature of the allegation of bullying and harassment and indicates the desired outcome. The employee will present their complaint to a manager who would usually be at least one level above the manager who tried to resolve the situation informally.
- 7.2.2. Wherever possible, OHG will try to ensure that the employee and the alleged perpetrator are not required to work together while the complaint is under investigation. This could involve giving the employee the option of remaining at home on special leave or working from another location, if the employee wishes and this can be accommodated by the organisation. In a serious case, the alleged perpetrator may be suspended while an investigation and any disciplinary proceedings are underway.
- 7.2.3. During the investigation both the employees involved, the person making the allegation and the alleged perpetrator, will be given every opportunity to explain their case fully, explaining what they wish to see as the desired outcome.
- 7.2.4. The employee will normally be given five working days' written notice of a formal meeting to discuss their allegations with the investigating manager. This manager will review all the documentation and may consider any witness statements available. This meeting may be attended by a HR Adviser and will review all written submissions with the employee. The manager will also meet with the alleged perpetrator separately to give them an opportunity to respond to the allegations as part of the investigation.
- 7.2.5. The manager hearing the case will consider all the relevant matters raised, and will review all information provided about the allegation, before compiling a summary stating their findings and the required actions. Where appropriate, the meeting may be adjourned to allow further investigations to take place.
- 7.2.6. Following the formal meeting, the employee will be notified in writing of the outcome, normally within five working days, unless the investigation takes longer in which case the investigating manager will keep the employee. The letter will also detail any outcomes, actions and recommendations that the manager proposes as a result of the investigation into bullying and harassment. Where the investigating officer needs additional time to conclude their considerations, they will advise the employee of the likely timescale for their response.
- 7.2.7. The employee has a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, in cases where the investigating manager believes there is evidence that the complaint has been made maliciously, they may recommend that the matter is investigated under OHG's disciplinary procedure. In such cases, the notes and written responses may form part of the management case for any subsequent hearing.

8. Right to be accompanied at hearings

- 8.1. Both employees, the person making an allegation and the alleged perpetrator, may bring a representative or companion to any formal hearing or appeal hearing held under this procedure. The companion will be either a trade union representative or a work colleague. The employee must provide the name of their companion to the manager conducting the hearing in good time before the hearing.

- 8.2. A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.
- 8.3. If the employee's choice of companion is considered to be unreasonable by the manager they may be required to choose someone else, for example:
 - If the companion may have a conflict of interest or may prejudice the hearing;
 - if the companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.
- 8.4. This decision must be confirmed to the employee in writing.
- 8.5. The companion may make representations, ask questions, and sum up the employee's case, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during the hearing.

9. Outcome

- 9.1. Where a case of harassment or bullying is found to have been proven, the employee concerned will be subject to the Disciplinary Procedure. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.
- 9.2. If the complaint is upheld, and the person found to have bullied or harassed an employee remains employed by OHG, every effort will be made to ensure that, if possible, the employee does not have to continue to work alongside the harasser, if they do not wish to do so. These may include the transfer of the harasser or, if the employee wishes, they may be able to transfer to another post.
- 9.3. If the complaint is not upheld, the Human Resources Team will support the employee, the alleged harasser and their manager in making arrangements for all parties to continue or resume working and to help repair working relationships. OHG will consider making arrangements to avoid the employee and the alleged harasser having to continue to work alongside each other
- 9.4. If it is considered that the employee has made a complaint that is known to be untrue, this may lead to disciplinary action being taken against the employee who raised the complaint.

10. Appeals Process

- 10.1. Appeals should be made in writing within five working days of receipt of the letter detailing the outcome of the formal hearing and should indicate the specific basis of the appeal. If the employee intends to produce new evidence then it must be submitted for consideration before the hearing.
- 10.2. The grievance procedure should not be used to replace this appeals process.
- 10.3. The appeal hearing will be chaired by a previously uninvolved manager and may be a review of the fairness of the original decision, having considered the procedure that was followed and any new information that has come to light. This will be at the discretion of the chair. In any event, the appeal will be dealt with as impartially as possible.
- 10.4. All appeals will be held in line with OHG's Appeals Procedure, and the decision at this stage will be final.

This Policy and Procedure does not form part of an employee's contract of employment and may be amended from time to time at the sole discretion of OHG.