



## Guidelines for the Dignity at Work Policy

effective from April 2007

### 1. Introduction

These guidelines should be read in conjunction with the Dignity at Work policy. They are intended to provide guidance to implement the policy and when using the procedure. They do not replace the policy.

The Executive Committee has overall responsibility for ensuring a mechanism is in place for making decisions and resolving complaints. The board may delegate its authority to other individuals. There must be clarity of delegated authority particularly where dismissal of an individual may result.

### 2. Defining harassment & bullying

The following paragraphs (2.1–2.6) are examples of harassment at the time the policy was written. These may change over time and due regard should be given to the understanding of harassment at the time the policy is used.

#### 2.1 Harassment

There is no single, simple definition of harassment. It can take a variety of forms, and may be directed at an individual or a group. The harassment of individuals and groups is often related to social identity and may be based on race, gender, sexual orientation, age, disability, or affect any grouping in society that may be identified as being different, in the minority or lacking in power.

Harassment describes any behaviour that makes the recipient feel isolated, threatened, humiliated, undermined or reduced in dignity or respect.

#### 2.2 Bullying

This is a particular form of harassment. It is offensive, persistent, abusive, intimidating, malicious or insulting behaviour. It is the abuse of power or the use of unfair sanctions that make the recipient feel upset, threatened, humiliated or vulnerable and that undermines their self confidence and may cause them to suffer stress.

#### 2.3 Examples of harassing or bullying behaviour include: unwanted physical contact, violence, verbally aggressive behaviour, isolating and being unnecessarily unco-operative towards individuals, social exclusion in the workplace or at organised social activities, obscene gestures, graffiti, personal intrusion such as pestering or stalking.

It also includes verbal and written harassment using offensive or insulting language, inappropriate jokes, name calling, gossip, slander and letters and



coercion of any kind, unjustified persistent criticism, shouting, making threats, unjustified removal of responsibility and allocation to 'lesser' tasks, withholding information, persistently and unjustifiably ignoring views and suggestions.

- 2.4 Harassment also includes actions based on assumptions made about a person, for example that they belong to a particular grouping, which may not be true. It also includes actions based on association, for example, because a person associates with individuals from a particular grouping.
- 2.5 Conduct can be harassment whether or not the person behaving in that way intends to offend. Something intended as a “joke” may offend another person since different people find different things acceptable. Everyone has the right to decide what behaviour they find acceptable, and to have this decision respected by others. Behaviour which any reasonable person would realise is likely to offend will be harassment without the recipient having to make it clear in advance that they find it unacceptable, for example, sexual touching. In some cases, however, it may not be so clear in advance that certain forms of behaviour are unwelcome or could offend a certain person. In these cases, first-time conduct that unintentionally causes offence will not be considered harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable.
- 2.6 A single incident can be harassment, if it is sufficiently serious.

### **3. The Legal Framework**

As trustees of a charity, the Executive Committee is responsible for the welfare of everyone in the organisation. As an employer, the Committee has a responsibility to resolve issues relating to the dignity of individuals in the workplace.

Harassment is unlawful, and failure to deal with allegations or incidents of harassment and bullying may have a number of legal consequences. The areas of law relating to harassment and bullying are the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

Other legislation relating to the harassment of individuals includes the Protection from Harassment Act 1997, covering harassment and stalking and the Criminal Justice and Public Order Act 1994, which protects individuals from intentional harassment, alarm or distress as a result of threatening, abusive or insulting words or behaviour. There is also the criminal law relating to assault.

Individuals who leave employment as the result of alleged harassment could bring a claim of breach of contract, constructive dismissal or unfair



dismissal against their employer. If an individual suffers psychological damage as a result of bullying or harassment he/she could also be able to bring a claim for damages.

#### **4. Managerial Responsibility**

Executive Committee members, managers and others responsible for individuals involved in the organisation must understand the policy and accept responsibility for implementing it.

It is the managers and/or trustees responsibility to:

- i) ensure that paid staff for whom they are responsible understand the policy and the principles behind it.
- ii) create a working environment in which dignity at work is actively promoted.
- iii) ensure compliance even if there is no complaint e.g. remove a display of offensive material
- iv) use the policy to deal with any complaint of harassment or bullying brought to their attention
- v) ensure that complaints are resolved as expediently and confidentially as possible with the least disruption
- vi) ensure that by their own positive behaviour they lead by example and they are sensitive to how others might perceive their behaviour
- vi) if possible, resolve the problem informally.
- vii) ensure that a mechanism is established for monitoring and reporting to the Executive Committee (usually annually by the Chief Officer) on the number of cases raised under the policy and the final outcomes.

#### **5. Arrangements for the use of the Procedure**

Making arrangements to resolve these issues may require some thought about who is the most appropriate person to undertake an investigation and who will sit on an appeal panel. For example, if a paid member of staff brings a complaint against the Chair of the Executive Committee:

- The complaint could be dealt with by the vice-chair or other designated trustees
- The complaint could be dealt with by the Chair or a trustee from another local voluntary organisation



## **6. The Investigation**

- 6.1 The Executive Committee has overall responsibility for ensuring that arrangements are made for the complaint to be investigated. However, it will normally be the appropriate line manager that makes this decision unless the complaint is against her/him.
- 6.2 The choice of investigator/s will obviously depend on the nature of the complaint. As a rule of thumb, investigators should be chosen from individuals with experience and/or knowledge and understanding of dealing with incidents related to performance, discipline, grievance and issues of equality in the workplace. This may be a member of staff or trustee from within LDCVS, from another local voluntary organisation, or another independent person.
- 6.3 If appropriate, interim arrangements can be made e.g. changes to supervision/management arrangements. These could also include the temporary relocation of individuals (if possible), or if there are concerns about the well being of either party, or if the presence in the office of either party would potentially restrict the investigation, suspension from the workplace on full pay.
- 6.4 Where the Executive Committee is involved arrangements should be made at the beginning of the process to ensure that there are adequate trustees to form both a panel for the initial hearing and a panel for an appeal. The two panels should be kept separate and trustees on the appeals panel must not have an involvement in the initial process to ensure that the process is fair and is seen to be fair.

## **Appendix A**

### **HARASSMENT OF LDCVS STAFF BY INDIVIDUALS FROM OTHER ORGANISATIONS OR BY MEMBERS OF THE PUBLIC**

Members of staff should follow this procedure:

- if it occurs during a meeting, they should state their objection and, if there is no alteration in behaviour, leave the meeting. If they are concerned about their safety, contact the appropriate service (for example, the police)
- if it occurs during a telephone conversation, state their objection to the behaviour and, if there is no alteration to it, end the conversation
- if it occurs via written correspondence, such as a letter, email or press article, they should not take any further action until they have discussed the matter with their manager
- in all cases, they must inform their manager of the situation at the earliest possible opportunity. If the manager is unavailable, they may wish to contact another manager, to ensure a speedy response



Where the complaint concerns an individual from another organisation, the following further options are available:

- if the manager upholds the complaint but deems it minor, the person(s) involved will be notified and their agency/organisation cautioned about any further behaviour of this kind
- if the manager upholds the complaint and decides it is serious, s/he can arrange to sever organisational interactions with the person named in the complaint. This may entail finding a new supplier, dealing with another representative or disengaging from the organisation completely. If action of this kind is proposed, the manager will need to make a recommendation to the Executive Committee Chair. In such cases, LDCVS may also choose to lodge a formal complaint with the Chief Officer/Director of the organisation concerned.