



# DIGNITY AT WORK

2019

# Contents

1.0 Introduction .....	3
1.1 Purpose .....	3
1.2 Expected behaviours.....	3
2.0 Policy .....	4
3.0 Auditing.....	7
4.0 Contact Us.....	8

# 1.0 Introduction

There is no place for any form of discrimination, harassment, victimisation or sexual misconduct at the ESO. Such behaviour is contrary to the values and ideals of our shared community, subverts our mission and core values and diminishes the dignity and integrity of all parties.

## 1.1 Purpose

The purpose of the Dignity at Work Policy is to:

- Support and sustain a positive working environment for all staff and students, free from any form of inappropriate or unacceptable behaviour
- Make it clear that discrimination, bullying and harassment are unacceptable and that all members of the ESO have a role to play in ensuring that such behaviour is not allowed to go unchecked
- Provide a framework for respect and good conduct to prevent and eliminate all forms of bullying and harassment and discrimination
- Highlight the options available to staff and students who feel they are or have been subject to bullying, harassment and/or discrimination or any other inappropriate or unacceptable behaviour
- Provide a mechanism by which complaints can, wherever possible, be addressed in a timely way
- Set out the responsibilities for managing and supporting staff when concerns are raised under the Dignity at Work Policy.

This Policy details our commitment to the above and explains what actions can be taken if its principles are not observed. The ESO encourages staff and students and managers to make every effort to resolve dignity at work problems informally in the first instance as this is often the most effective method of dealing with unacceptable behaviour, although it is recognised this may not always be appropriate.

## 1.2 Expected behaviours

The ESO expects all staff and students to treat each other with respect, courtesy and consideration at all times. Everyone is expected to behave professionally and have the right to expect the same professional behaviour from others. Each member of staff and student has a personal responsibility for complying with this Policy and Procedure and demonstrate active commitment to it by:

- Treating others with dignity and respect
- Discouraging any form of discrimination and harassment by suitably challenging inappropriate behaviour, making it clear that such behaviour is unacceptable (and raising concerns with managers where appropriate so these can be dealt with)
- Supporting any person within the ESO who feels they have been subjected to discrimination, bullying and/or harassment, including supporting them to make a formal complaint if appropriate
- Managers having a responsibility for setting standards and ensuring appropriate behaviours are maintained and setting a good example and ensuring concerns raised are acted upon.

## 2.0 Policy

The ESO is dedicated to creating and maintaining a safe, welcoming, inclusive and diverse community which nurtures a healthy environment and culture of mutual respect and consideration, allowing all staff and students to thrive without fear of harassment, racial discrimination, bullying, sexual violence, abuse, coercive behaviour, sexual harassment or related misconduct.

Such behaviour can be defined as a single or repeated incident involving unwanted or unwarranted conduct towards another person which it is reasonable to think would have the effect of:

- violating that other's dignity
- creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

It can be verbal, psychological, physical, in person or via a virtual platform, or through other methods of contact. Online harassment may take the form of intimidating, offensive, or graphic posts or threats on social media sites or chat rooms, or communications by email, text, or instant messaging.

While not an exhaustive list, below are some examples of the types of behaviour which constitute bullying, harassment, victimization and discrimination:

- Sexual harassment can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, the display or distribution of sexually explicit material, unwelcome sexual advances or physical contact, demands for sexual favours or assault.
- Racial harassment is usually although not exclusively directed at people from ethnic minorities. It may include jokes about, or gratuitous references to a person's colour, race, religion, nationality. It can also include offensive remarks about dress, culture, or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups
- Harassment of people with disabilities can take the form of individuals being ignored, disparaged or ridiculed because of mistaken assumptions about their capabilities. Their impairment/disability rather than their ability can become the focus of attention and harassment can include inappropriate personal remarks, jokes or inappropriate reference to an individual's appearance.
- Harassment on the grounds of a person's sexual orientation may be aimed at heterosexual people but is more usually experienced by gay men and lesbians, bisexual men and women. Examples of harassment relating to sexual orientation are homophobic remarks or jokes, offensive comments relating to a person's sexual orientation, threats to disclose a person's sexual orientation to others or offensive behaviour/abuse relating to HIV or AIDS status.
- Harassment on the grounds of gender identity may be aimed at transgender people, or people who have undergone, are undergoing, or intend to undergo gender reassignment. It is recognised that this is a separate issue unrelated to sexual orientation.
- Bullying is the exercise of power over another person through negative acts or behaviours that undermine him/her personally and/or professionally. Power encompasses personal strength, or

power to coerce others through fear or intimidation, which is not always synonymous with status. Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour which places inappropriate pressure on the recipient or has the effect of isolating or excluding them. Bullying can take the form of shouting, sarcasm, derogatory remarks concerning job performance or constant criticism. A complaint may be considered to be malicious or vexatious if it is made in bad faith, where deliberately false allegations are made as a form of bullying against a colleague or manager, or where there are a series of frivolous and clearly unfounded allegations.

It is important that bullying is distinguished from vigorous academic debate or the actions of a manager making reasonable (but perhaps unpopular) requests of his/her staff.

- Victimisation is treating someone badly because they have done or intend to do a 'protected act'. A 'protected act' is defined as making a claim or complaint of discrimination.

### **Guiding Principles for Complaint Management**

At any stage of the procedure, those involved in attempting a resolution or in investigating a complaint must act in accordance with the following guiding principles:

1. If a person is on the receiving end of a complaint, he/she has the right to know sufficient details of the complaint in order to respond.
2. All formal complaints will be investigated thoroughly and in a timely manner.
3. No decision will be made as to the outcome of a complaint until the investigation has concluded and the grievance meeting has taken place.
4. Both the complainant and the person against whom the complaint has been made have the right to be accompanied to meetings by a work/student colleague or recognised trade union representative.
5. The complaint will be dealt with in strict confidence with knowledge limited to only those involved in the management of the complaint, those acting as witnesses for either party and those accompanying either party to the meetings. If necessary, the ESO will seek advice from external sources such as lawyers.
6. Both the complainant and the person about whom the complaint has been made will be fully supported throughout the process by ESO managers who are not involved in the complaint process.
7. Complaints should be made in a timely fashion – usually immediately after the incident but at the latest within three months of it occurring if there are good reasons for a delay. Complaints made after this time may still be considered providing there are mitigating reasons for the extended time period.
8. Everyone involved in the complaints' management process will be neutral to each stage. For example, those who hear the appeal will not have been involved in any informal discussion about the complaint, the investigation or the grievance meeting.

9. An accurate record of all meetings will be taken, and a copy provided to the individuals concerned so that they may comment on them. Copies of these notes will be kept on both individuals' files if the complaint is upheld at the grievance hearing.

### **Informal process**

In the first instance, unacceptable behaviour should be dealt with informally whenever possible. There may of course be times when the nature of the behaviour is such that informal management of the complaint is not possible; and in these instances the individual making the complaint should proceed to the formal stage by following the Grievance Policy (staff) or the Student Complaints Procedure (students).

When dealing with a complaint informally, there are two options:

- The member of staff or student can speak directly to the person the complaint is about; or
- The individual can speak to a manager who will deal informally with the complaint on their behalf.

With either option, confidentiality is key – so only discuss the matter (as far as possible) with people who are relevant to the complaint. If the member of staff or student feels able, they should speak directly to the person the complaint is about. Find somewhere quiet to have the conversation and the person raising the complaint may also want to be accompanied by a student or staff colleague by way of support.

If the complainant decides to approach a manager instead, perhaps because they feel uncomfortable approaching the person the complaint is about, then the same advice regarding confidentiality applies. The manager should make some notes to ensure that he/she has an accurate record of the complaint and should double check their understanding with the complainant. Before any action is taken, the manager will discuss the resolution options with the complainant to ensure that he/she agrees to the course of action. If the manager is unsure of how to deal with the issue then he/she should speak to the HR Manager for staff complaints or the Head of Student Services for student complaints.

If not resolved on a one-to-one basis, then the manager could facilitate a meeting between all parties so that the complainant has an opportunity to talk about his/her complaint and the other party can respond, all within a calm and controlled setting.

### **Formal process**

If the complaint is either too serious to be dealt with informally or the informal process has not satisfactorily resolved the complaint, then the ESO would encourage the complainant to raise the matter formally. For students this means raising a formal complaint under the Student Complaints Procedure; and for staff raising a grievance under the Grievance Policy.

Both of these formal routes require a full investigation, panel hearing and the right of appeal.

### **Criminal offences**

If the complaint involves a criminal offence then both staff and students should speak to the HR Manager or Head of Student Services respectively so that the ESO can fully support the person in

referring the matter to the Police. Where the Police then investigate the matter, this will halt all internal procedures until the conclusion and outcome of the external process.

### Equality

Dignity at work may involve equalities issues and UK discrimination law provides specific protection against discrimination, harassment and victimisation on a variety of grounds. Please refer to the Equality & Diversity Policy for further information.

### Malicious complaints

The ESO takes malicious complaints very seriously; and following an investigation these will be dealt with via the appropriate Disciplinary Policy.

### Seeking advice

If any student or member of staff would like to seek advice or discuss their concerns about their complaint in advance of either the informal or formal procedure, then both the HR Manager or the Student Welfare Officer will be able to help.

## 3.0 Auditing

Policy Name:	Dignity at Work
Policy Owner:	HR Manager
Policy Approver:	Policy Management Committee
Audience:	Staff and Students
Storage Location:	Learning Zone – HR Policies & Student Policies
Effective Date:	02.2019
Review Date: (Unless other revisions are required prior to this date)	02.2020
Version:	Approved version 1.0
Equality Impact Assessment:	Are there any implications for a protected characteristic group as defined by the Equality Act 2010 in this policy?
	<input type="checkbox"/> Positive Impact <input type="checkbox"/> Negative Impact <input checked="" type="checkbox"/> Neutral
Details:	<Provide details if there is a either a positive or negative impact>

## 4.0 Contact Us

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### Further Information

If you have further questions regarding this document or require further information, please contact the HR Manager.