



## DIGNITY AT WORK POLICY

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## **Dignity at Work Policy**

### **1. Why do we have a Dignity at Work Policy?**

- (i) Harassment, bullying and victimisation are not allowed at York College. Harassment and bullying can have very serious consequences for individuals. It may make people unhappy, may cause them stress, and affect their health, and family and social relationships. It may also affect their work performance and could cause them to leave their jobs.
- (ii) Harassment, bullying and victimisation are, in the eyes of the law, forms of discrimination and as such unlawful. Serious harassment may be a criminal offence.
- (iii) Everyone has the right to be treated with dignity and respect at work. This policy explains:
  - (a) the behaviours that you are expected to demonstrate at work
  - (b) what bullying, harassment and victimisation means
  - (c) what you need to do if you think you are being bullied, harassed or victimised.

This policy should also be read in conjunction with our Equality and Diversity and Grievance and Mediation Policies.

### **2. Who is covered by this policy?**

- (i) This policy applies to all staff members (salaried and part time variable hours), agency workers, contractors, associates volunteers and anyone else engaged to work with the College.
- (ii) It covers bullying and harassment in the workplace and in any work-related setting outside the workplace, for example, field trips, employer visits and work-related social events.
- (iii) This policy is non-contractual and may be amended from time to time.

### **3 What is my responsibility?**

- (i) Everyone is responsible for their own behaviour. You should:
  - (a) treat everyone with dignity and respect
  - (b) not bully or harass anyone
  - (c) not victimise or attempt to victimise anyone who has made complaints of discrimination, or provided information to support a complaint
  - (d) report incidents to your manager or Human Resources (HR) if you think they are inappropriate.
- (ii) Managers should make sure that staff reporting to them are aware of this policy. If you are a manager, you must take action if you become aware

that bullying, harassment or victimisation is happening. This will normally include alerting HR as soon as possible.

- (iii) It is not acceptable for a manager to say that bullying behaviour is part of their management style.

#### **4 What is harassment?**

- (i) Harassment can be any unwanted attention or behaviour that a person finds objectionable or offensive, and which makes them feel threatened or uncomfortable, leading to a loss of dignity or self-respect. It may be persistent or an isolated incident.
- (ii) Harassment can take many forms and may include the following, which is not exhaustive:
  - (a) Unnecessary and unwanted physical contact ranging from touching to serious sexual or physical assault.
  - (b) Derogatory or degrading comments relating to a person's 'protected characteristic'.
  - (c) Unwanted non-verbal conduct, including sexually suggestive gestures, staring and leering.
  - (d) Unwelcome sexual advances, propositions or pressure for sexual activity including offensive suggestive remarks, innuendoes or lewd comments and suggestions that sexual favours may result in employment benefit (or that refusal of such suggestions may result in some form of detriment).
  - (e) Continued suggestions for social activity outside the work place after it has been made clear that such suggestions are unwelcome.
  - (f) Display, storage or circulation of offensive material (including pictures, objects, written materials or information held on computer).
  - (g) Unfair treatment, which might include deliberate exclusion from conversations or events at work, for reasons based on a person's equality characteristic.
  - (h) Comments which have the effect of isolating or humiliating a member of staff by reason of their equality characteristic.
  - (i) Making gestures that mock a person's equality characteristic.
  - (j) Offensive, hostile, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end.
- (iii) Serious forms of harassment could be a criminal offence. This could include 'hate crime' - typically a violent act motivated by prejudice on the basis of race, religion, sexual orientation, or other grounds.

#### **5. What is bullying?**

- (i) Bullying is a more general form of harassment that is not based on race, sex or any other equality characteristic. As with harassment it can be defined as words, actions or other conduct which ridicules, intimidates or

threatens and affects individual dignity and well-being. It is generally behaviour that can be identified as a misuse of power.

- (ii) People affected by bullying often feel the matter appears trivial or that they may have difficulty in describing it. Bullying behaviour is largely identified not so much by what has actually been done, but rather by the effect that it has on the recipient.
- (iii) Examples of bullying could include:
  - (a) Persistently criticising unnecessarily (although legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying).
  - (b) Shouting at colleagues in public or private.
  - (c) Deliberate isolation by ignoring or excluding a person.
  - (d) Withholding information or removing areas of responsibility without justification.
  - (e) Spreading malicious rumours.
  - (f) Blocking leave or training requests without reason.
  - (g) Deliberately setting objectives with impossible deadlines.
  - (h) Undermining a person's self-respect by treatment that denigrates, ridicules, intimidates, demeans or is physically abusive.
- (iv) Harassment or bullying is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient. As a result, it is possible that behaviour that is acceptable to some staff members may cause embarrassment, distress or anxiety to others. Therefore, harassment or bullying relates essentially to the perceptions and feelings of the recipient.
- (v) The terms 'bullying' and 'harassment' are used interchangeably by most people, and many definitions include bullying as a form of harassment.

## **6. What is the impact of bullying and harassment?**

The impact of bullying and harassment includes the following:

- (i) Bullying and harassment may make someone feel anxious and humiliated.
- (ii) People may feel angry and frustrated because they cannot cope.
- (iii) Some people may try to retaliate in some way.
- (iv) Others may become frightened and demotivated.
- (v) Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation.
- (vi) Almost always job performance is affected and relations in the workplace suffer.

## **7. What is victimisation?**

Victimisation is treating colleagues less favourably because of action they have taken, for example making a formal complaint about someone or giving evidence against a colleague.

## **8. I think I'm being bullied / harassed / victimised – what can I do?**

- (i) You could firstly try to sort out matters informally. The person may not know that his or her behaviour is unwelcome or upsetting. An informal discussion or even an email may help him or her to understand the effects of his or her behaviour and agree to change it. You can talk in confidence to your manager or HR to get advice on how to handle this informally. If your concerns are about your manager, you should speak to their manager.
- (ii) Bullying and harassment are often clear cut. However, sometimes people are unsure as to whether the behaviour is unacceptable. If this applies to you there are a number of things to consider, including:
  - (a) Has there been a change of management or organisational style to which you just need time to adjust – perhaps because you have a new manager or work requirements?
  - (b) Can you talk over your worries with HR, your manager, trade union representative or colleagues?
  - (c) Can you agree with your manager changes to ways of working that will make it easier for you to cope?
  - (d) Keep a log of all incidents – records of dates, times, any witnesses, your feelings, and copies of anything that you feel is relevant, for example, emails.
- (iii) Via 'Workplace Options' the College provides an independent, free and confidential resource to support staff through difficult times. To access this dial a freephone number 0800 243 458.

## **9. I've tried to handle the situation informally but this hasn't worked. What should I do?**

- (i) If you have not been able to resolve matters informally, or the situation is too serious to be dealt with informally, you can raise a grievance by using our Grievance and Mediation Procedure
- (ii) Your grievance must be in relation to an event, or series of events that has occurred in the previous three months. We may apply discretion on timescales in some circumstances.

## **10. What happens when I raise a grievance?**

- (i) The Grievance and Mediation Procedure sets out the process we will follow to ensure that your concerns are addressed fairly and consistently and as quickly as possible.
- (ii) Your concerns will be investigated. This may involve talking to you further about your grievance and to other members of staff who were witnesses, or who are involved in the grievance.
- (iii) Once the investigation is complete, we will meet with you to discuss your grievance and will provide you with a formal response in writing.
- (iv) Where a grievance is upheld and involves the action of a College employee, this may result in a disciplinary process for that individual, which could lead to dismissal in serious or repeated cases.

## **11. Can I raise a concern about harassment from others - students, members of the public, contractors etc?**

- (i) Everyone has the right to be treated with dignity and respect and we are clear that such standards should extend to relationships with such as students, members of the public and other contacts that staff come into contact with. If you experience racist, sexual or other offensive treatment when you are dealing with students etc, you should speak to your manager.
- (ii) If the behaviour against you is a criminal offence, we will take the necessary action including reporting the matter to the Police.

## **12 Forms of harassment**

The following provides some examples of harassment. The list is in no particular order, and is not exhaustive.

### Sex

Examples of sexual harassment include:

- Unwelcome sexual advances, propositions and demands for sexual favours, (and worsening of behaviour if a sexual advance is rejected), and unsolicited/unwanted gifts.
- Unwanted or derogatory comments about clothing or appearance.
- 'Leering' and suggestive gestures and remarks.
- Displaying offensive material, such as pornographic pictures, page-three type pinups or calendars, including circulating such material in emails.
- Inappropriate physical contact, for example, invading someone's personal space and unnecessary touching, through to sexual assault and rape (although rape is defined as a separate criminal offence).

## Race

Examples of racial harassment include:

- Refusing to work with someone or deliberately isolating them because of their race, colour, nationality or ethnic origin.
- Displaying racially offensive material including graffiti.
- Racist jokes, banter, insinuations, gestures, insults and taunts.
- Unfair work allocation on the basis of someone's ethnicity.
- Verbal and physical abuse/attacks on individuals because of their race, colour, nationality or ethnic origin.

## Disability

Examples of harassment on the grounds of disability include:

- Asking intimate questions about an individual's impairment such as how it occurred and what it is like to be disabled.
- Name calling, jokes, taunts, and use of offensive language.
- Inappropriate jokes and actions such as hiding / moving someone's impairment aid
- Assuming that a person's disability means that the individual is inferior.
- Speaking to a disabled person's colleagues rather than the person with the disability.
- Creating barriers that may mean that disabled colleagues are excluded from workplace events and social activities.

## Religion / belief

Examples of harassment on the grounds of religion and belief include:

- Stereotyping a particular religion or belief, or making assumptions about lifestyles or interests.
- Arranging meetings or events that may exclude people because of religious observance, for example, arranging a team lunch when you know a team member is fasting at Ramadan.
- Making unwanted comments about how someone dresses in accordance with their beliefs.

[Note: Belief refers to any religious or philosophical belief (including gender critical belief) and includes a lack of belief]

## Sexual orientation

Common forms of harassment on the grounds of sexual orientation include:

- Homophobic or bi-phobic comments, 'jokes' and name-calling.
- Verbal or physical abuse or intimidation.
- Sharing homophobic or bi-phobic materials.
- Making repeated references to a person's sexual orientation without any justification for doing so.
- Outing a person as lesbian, gay or bisexual, without their consent or spreading rumours.
- Excluding a person from conversation and activities, for example, excluding a same sex partner when opposite sex partners are included.
- Intrusive questioning about an individual's personal or sex life.

## Gender reassignment

Common forms of transphobic harassment include:

- Transphobic comments, 'jokes' and name-calling.

- Verbal or physical abuse or intimidation.
- Refusing to treat a person as of their new gender when they transition.
- Failing to address a person by their preferred name and correct gender pronouns.
- Denying people access to the appropriate single sex facilities.
- Outing a person as transgender without their consent or spreading rumours (this may also be a criminal offence), or intrusive questioning.
- Excluding a person from conversation and activities.
- Sexual harassment.

#### Age

Examples of harassment on the basis of age include:

- Making fun of someone based on their age.
- Questioning someone's ability because of their age.
- Making assumptions about lifestyle or interests on grounds of their age.
- Not providing training or development opportunities on grounds of their age

#### Pregnancy/Maternity

Examples of harassment on the basis of pregnancy/maternity include:

- Suggesting that pregnant women receive preferential treatment in the workplace because they are pregnant
- Questioning whether someone in the latter stages of pregnancy is fully effective in the role
- Making comments that maternity pay is excessively generous

#### Marriage/civil partnership

Examples of harassment on the basis of someone's marriage or civil partnership include:

- Disparaging remarks about the perceived legitimacy of a civil partnership
- Making fun of someone's marriage/civil partnership

(end)