

# Dignity at Work Policy

## 1. Introduction

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At the University we are committed to building and sustaining a community of staff who value each other and work together in a spirit of respect and professional courtesy whilst pursuing a common purpose. We value our staff and recognise that bullying, harassment, discrimination, victimisation and any other unacceptable behaviour in the workplace can impact on health, wellbeing and work performance. You have a right to be able to do your job and be treated with dignity and respect by those with whom you come into contact and we will not tolerate behaviour that impinges on that right.

The purpose of this policy is to i) explain the behaviours you are expected to demonstrate when engaged in University business ii) help you to identify and challenge unacceptable behaviours and iii) tell you what you need to do if you think you are being harassed, bullied or victimised.

The Dignity at Work Policy incorporates all relevant employment legislation and is underpinned by the University's Core Values and commitment to equality and diversity.

This policy does not form part of your contract of employment and may be amended from time to time. It supersedes all previous Dignity at Work procedures and guidance.

## 2. Scope

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The Dignity at work policy applies to all Birmingham City employees, agency workers, contractors and anyone else engaged to work at the University on and off University premises. The Grievance Policy provides the framework and mechanism for you to formally address unacceptable behaviour and have complaints resolved.

## 3. Principles

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- The University will take appropriate steps to prevent unacceptable behaviour by staff (regardless of the seniority of those involved) and third parties including provision of training and awareness raising activities.

- Bullying or harassment of University staff by students or visitors will not be tolerated.
- You can challenge unacceptable behaviour from staff and by third parties .
- Unacceptable behaviour will be addressed by informal resolution, use of the Grievance Policy or the Disciplinary Policy.
- Unacceptable or inappropriate behaviour breaches the University's Core Values and Code of Conduct and formal action may be taken under the Disciplinary Policy.
- If you are subject to or witness unacceptable behaviour you can make a complaint using the Grievance Policy.
- The University will provide opportunities for you to receive counselling or other appropriate support if you are experiencing unacceptable behaviour.

## **4. Roles and Responsibilities**

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The roles and responsibilities set out below include but are not limited to the following:

### *Board, Vice Chancellor and Members of the Executive Leadership team*

- Creating a working environment with a respectful and inclusive culture in which people's differences are genuinely respected and diverse contributions can flourish.
- Setting the appropriate standards of behaviour for staff and ensuring they are communicated, understood and enforced.
- Ensuring your own behaviour is of the highest standard and that prompt action is taken if unacceptable or offensive behaviour is identified.

### *Managers*

- Promoting a positive working environment that respects and values all people.
- Proactively and assertively deal with unacceptable behaviour even if a complaint isn't made.
- Making sure that staff know what standards of behaviour are expected of them.
- Upholding the standards of behaviour outlined in this Policy.
- Making full use of the skills and abilities of everyone in the team.

### *All staff*

- Reading this policy and participating where required to do so in any development activity aimed at raising your awareness of dignity at work matters.
- Treating everyone with dignity and respect.
- Being polite and taking a positive, responsive and considerate approach when dealing with colleagues, students and other stakeholders.
- Being aware of how your behaviour may affect others and changing it, if necessary.
- Being responsible for your own actions.
- Making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case.
- Intervening if possible to stop harassment or bullying and giving support to recipients.
- Avoiding actions which may adversely affect the reputation of the University.
- Not victimising or attempting to victimise anyone who has made a complaint of discrimination, bullying or harassment or provided information to support a complaint.

- Reporting incidents to you manager.

#### *Dignity at Work Advisors*

- Being available to listen and providing impartial and confidential support to staff who wish to discuss a concern with you.

#### *Human Resources Department*

- Appointing, overseeing and supporting the work of Dignity at Work Advisers.
- Promoting awareness of services available to support staff who may be experiencing unacceptable behaviour at work.
- Monitoring the effectiveness of the implementation of the policy.

## **5. Legislative Framework**

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The Equality Act 2010 outlines the University's duty to create a work environment for all staff that is free from harassment and unlawful discrimination. It also sets out the different ways in which it is unlawful to treat another person such as by discrimination, harassment, victimisation and failing to make reasonable adjustments for disabled staff. The Equality Act also extends protection to members of staff in 'protected characteristic' groups. These include

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race including ethnic origin, nationality and colour)
- Religion or Belief
- Sex; and
- Sexual Orientation

Under the Protection from Harassment Act 1997 it is an offence to pursue a course of conduct that amounts to harassment of another person. You could therefore be personally liable in law if you harass anyone at work.

## **6. Unacceptable Behaviour**

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The University will not tolerate unacceptable behaviour regardless of whether it is covered by legislation or not. What makes behaviour unacceptable is often the effect it has on the recipient, for example they may feel distressed, threatened or abused. Your behaviour may be perceived as unacceptable even if you had no intention of causing offence.

Unacceptable behaviour can take many forms but generally falls into two distinct categories as follows

- i) Personal behaviours - For example repeated personal remarks about you or your private life, or physical aggression.

ii) Workplace behaviour - For example giving you meaningless tasks to do or deliberately holding team meetings at a time when it is not possible for you to attend because you have caring responsibilities.

Further examples of unacceptable behaviour are set out in Appendix B

Unacceptable behaviour does **not** include reasonable action taken by your manager to support and encourage you to perform your job to the expected standards or to take formal action to address concerns about your performance or conduct when it is necessary to do so.

## **7. Bullying and Harassment**

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**Bullying** is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power which is meant to undermine, degrade, offend, humiliate or injure the person on the receiving end of the behaviour.

**Harassment** is unwanted conduct related to sex, gender reassignment, race or ethnic or national origins, disability, sexual orientation, religion or belief, age or any other personal characteristic which:

- 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 or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

Behaviour which any reasonable person would realise is likely to offend is likely to be considered harassment even if this is a first or one-off event where you have not had a chance in advance to make it clear that behaviour of that type is not acceptable to you.

Certain types of other behaviour may be unwelcome or could offend such as certain 'banter' or flirting. In these cases first time conduct which unintentionally causes offence is unlikely to be harassment but it will become harassment if you have made it clear by words or conduct that such behaviour is unacceptable to you. Further examples of unacceptable behaviour is set out in Appendix B.

## **8. Victimization**

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**Victimization** is treating someone unfavourably because he or she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him or her (or someone else), or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he or she has

made a complaint of giving him or her inappropriate work. It would also apply if a person was treated unfavourably because they had complained that they had been subjected to any unlawful discrimination or other breach of their employment rights.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you 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 University will take appropriate action to deal with any alleged victimisation, which may include disciplinary action up to and including dismissal against anyone found to have victimised you.

Making a complaint which you know to be untrue, or giving evidence which you know to be untrue, may lead to disciplinary action being taken against you up to and including dismissal.

## **9. Dignity at Work Advisers**

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The University has appointed a number of staff who have an interest in preventing bullying and harassment and who have received training to discuss dignity at work issues with you on a strictly confidential and impartial basis.

We have Dignity at Work Advisers across the whole University and you can choose who you wish to speak with regardless of your department or work area. The Dignity at Work Adviser will

- Listen carefully to what you have to say
- Inform you of your choices of action
- Help you decide what your next steps might be

Confidentiality and your anonymity will be maintained indefinitely unless the Dignity at Work Adviser considers the matter to be so serious that it constitutes an unacceptable risk to you, another person or the University. If this is the case you will be so informed.

The University records details of all concerns raised but this does not include details of the individuals involved and is used for monitoring purposes only.

A list of current Dignity at Work Advisers and their contact details is available on the intranet.

## **10. Experiencing bullying, harassment or victimisation**

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If you think that you have experienced or are experiencing bullying, harassment or victimisation you may wish to discuss the matter with one of the Dignity at Work Advisers. Alternatively, you can speak with your line manager, another work colleague or with a representative of your trade union. The University subscribes to an Employee Assistance Service which is confidential, free of charge and available 24 hours a day 365 days a year.

Details are available on the intranet. A template for recording incidents is set out in Appendix C.

Where it is appropriate to do so, the University would encourage you to seek to resolve issues informally in the first instance. If this has not been successful or is inappropriate in the circumstances you can raise a complaint using the [Grievance Policy](#).

## **11. References**

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Appendix A: Overview of the Dignity at Work process

Appendix B: Examples of Unacceptable behaviour

Appendix C: Template for recording incidents

## **12. Review**

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This policy will be formally reviewed by the Human Resources Department (HRD) every three years or sooner, where new developments in employment legislation necessitate such a review, where factual clarification is required or changes to operational practices take place. Formal reviews of policy will be carried out in consultation with the recognised Trade Union, managers and other key stakeholders.

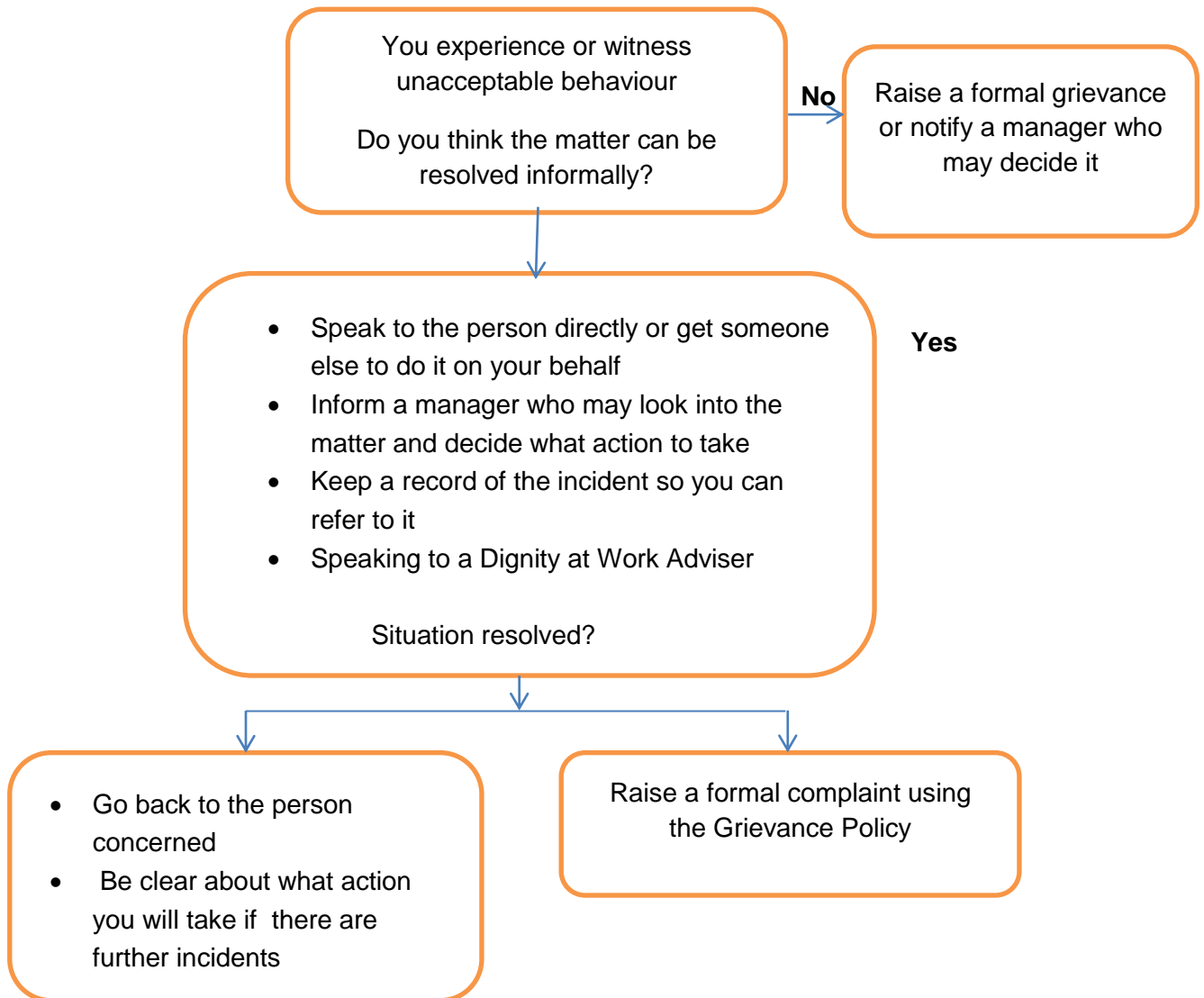
The next review will be in June 2018.

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**Sally Stewart**

**Director of Human Resources**

## Appendix A

### Overview of the Dignity at Work process



## Appendix B

### Examples of Unacceptable Behaviour

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to) the following:

- 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, etc;
- Threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advances, 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, religious or racial nature or about an individual's age, sexual orientation, disability or gender reassignment;
- Posting material on websites or sending e-mails or text messages that are considered to be abusive, harassing or defamatory to the University, its staff and/or students;
- Unwanted nicknames related to a person's age, race, sex, religion or belief, gender reassignment, sexual orientation, marital status or civil partnership, maternity, pregnancy or disability;
- The use of obscene gestures;
- The open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, pornography, calendars or pin-ups, etc;
- Spreading malicious rumours or insulting someone;
- Picking on someone or setting him or her up to fail, for example, deliberately undermining a competent worker by overloading them with work, requiring them to meet unrealistic deadlines and constant criticism;
- Making threats or inappropriate comments about someone's job security;
- Ridiculing someone;
- Using inappropriate automatic supervision methods, such as computer recording or the recording of telephone conversations or meetings – without prior agreement;
- Speaking to someone as if they are a 'child' or as if they have below average intelligence rather than speaking to them as if they are a 'reasonable adult';
- Forcing one's own beliefs onto others or actively promoting a religion or belief in the workplace;
- Isolation or non-cooperation at work;
- Excluding someone from social activities.



## Appendix C

### Template for Recording Incidences

It will help you and anyone helping you if you are clear about what behaviour you consider to be unacceptable and why. While the incident is fresh in your mind, you should make some notes about what is happening or what has happened. Be as clear as possible about dates, times, places, any witnesses, how you felt at the time and subsequently, and what, if anything, you did following the incident.

1. **Date(s) of Incident(s):**
  
2. **Location:**
  
3. **Time:**
  
4. **Detail of incident(s): (Including any actions and comments and the people who made them)**
  
5. **Your response:**
  
6. **How you felt at the time and later:**
  
7. **Action taken by you if any:**
  
8. **Names of Witnesses:**
  
9. **What you would like to happen:**