

# Dignity at Work Policy



## Policy

Every employee of the home has the right to be treated with dignity and respect at all times during their employment and all employees are required to conduct themselves in a manner which is entirely consistent with this general principle.

Any employee who believes that this elementary right has been infringed may make a formal complaint as outlined in the procedure. An employee whose wilful and deliberate conduct is in contravention of this policy may be disciplined, and, may also, as a result of this process, be issued with a formal warning, or be dismissed, as merited by the facts of the case.

This policy applies to everyone. There are no exceptions.

## Procedure

### Definition

The home aims to ensure that no employee suffers harassment or bullying during his employment or any act, omission or conduct which causes him to be alarmed or distressed including, but not limited to the following: -

- Unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, abusive, malicious, humiliating, insulting, hostile, intimidating or offensive environment;
- Unjustified criticism;
- Punishment imposed without reasonable justification;
- Changes in the duties or responsibilities of the employee to the employee's detriment without reasonable justification and consultation.

### Examples of Harassment

- Inappropriate and unwanted physical contact;
- Offensive language, gossip, slander, sectarian songs and letters;
- Graffiti, obscene gestures, flags, bunting and emblems;
- Isolation or non-cooperation and exclusion from social activities;
- Coercion for sexual favours and pressure to participate in political/religious groups;
- Intrusion by pestering, spying and stalking.

Other types of harassment and intimidating behaviour that people can be subject to can be on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation (these are known as "protected characteristics" in the Equality Act 2010), offending background, AIDS/HIV or physical characteristics. There is no one single checklist as harassment is often specific to the person, relating to his or her feelings of respect and dignity. It is a question of whether they feel intimidated, or actions of others disrupt harmonious working.

It is essential to remember that it is not the intention of the perpetrator that is key in deciding whether harassment has occurred, but whether the behaviour is unacceptable by

normal standards and is disadvantageous. It is also important to distinguish harassment from sexual relationships freely entered into and acceptable to those involved.

### **Examples of Bullying**

- Verbal or physical threats and intimidation;
- Persistent negative comments;
- Humiliating someone in front of others;
- Unjustified, persistent criticism;
- Offensive or abusive personal remarks;
- Setting unattainable targets;
- Constantly changing work targets in order to cause someone to fail;
- Reducing someone's effectiveness by withholding information;
- Ostracism;
- Picking on one person for criticism when there is a common problem;
- Not giving credit where it is due;
- Claiming credit for someone else's work;
- Belittling someone's opinion;
- Making false allegations;
- Monitoring work unnecessarily and intrusively;
- Undervaluing work done;
- Removing areas of responsibility without justification;
- Imposing unfair sanctions.

### **What bullying is not?**

Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. An occasional raised voice or argument is not bullying.

### **Dealing with the problem**

In most cases, it is to be expected that where an employee believes that he/she has a right to bring a complaint under this policy that such an action will be taken by that aggrieved employee and that this will be the first step in the process towards investigation, consideration and resolution.

However all employees, including Supervisors and Managers have a duty to report or deal with any instance of conduct which is not consistent with the general scope and purpose of this policy irrespective of whether it has resulted in any formal complaint.

It is recognised that bringing a formal complaint, particularly against a Line Manager or colleague, is often the choice of last resort, and early informal attempts to diffuse or solve a problem may bring more lasting and more beneficial results. In dealing with formal complaints under this policy, it is in everyone's best interest to ensure that matter is dealt with quickly and fairly and at the lowest level possible at which it can be resolved.

### **Informal**

If an employee (complainant) feels that they are being subjected to some form of action (or inaction) which is covered by this policy then they should inform the individual(s) responsible that their actions (or inactions) are causing offence, are unwanted, inappropriate and must cease. If the complainant feels that he/she is unable to confront the individual(s) in this way, then they may ask a colleague to intervene or assist on their behalf.

However if, in the opinion of the complainant, a direct approach by themselves, or even with the assistance of a colleague, is not a desirable option, then they may go directly to having the complaint dealt with formally. However all employees are reminded of the potential benefits of having the matter dealt with informally, where it is appropriate and potentially beneficial to do so. It is to be hoped that this informal approach will provide satisfactory results as the accused may not be aware that his/her behaviour has caused offence.

Both the complainant, accused, and, where involved, the Supervisor or Manager, should make a note of the details of this approach.

### **The Formal Process**

If the informal approach does not resolve the matter (or if the employee wishes to opt out of the informal option) then the employee should deal with the complaint in accordance with the general rules, principles and process of the home's Grievance Procedure.

### **Notes**

In serious cases the accused may be suspended, on full pay, if this is considered necessary and helpful to an effective investigation.

If, following the investigations, the home believes that the accused has no case to answer then they, and the complainant will be informed of this decision.

If, however, in the opinion of the home, some form of harassment or inappropriate conduct has taken place, then the accused will be informed of this decision and appropriate action taken through the Disciplinary Procedure.

Such action may include:-

- A. An oral warning, with details recorded on the employee's personal file; or
- B. A written warning (which may be final, even for a first offence) with the consequences of future transgressions clearly stated; or
- C. Dismissal.

### **Safeguards**

1. This procedure is to be confidential to all parties and the home will not disclose information except where disclosure is necessary for the purposes of investigating the complaint or taking relevant disciplinary measures.
2. No employee will be made to suffer as a consequence of taking any action under this procedure and where an employee feels that this safeguard has not been observed then they are requested to provide details, in writing to the Managing Director.
3. If, in the opinion of the home, it is in the best interests of all concerned that the complainant and the individual(s) who are the subject of the complaint are separated (e.g. moved to different working areas) and this is feasible, then unless there are particular circumstances suggesting the opposite, (for example the complaint is without foundation, and significant ill feeling exists as a result) then it will not be the complainant who is moved.
4. Follow up is important, and the complainant will be invited to discuss the situation at 1, 2 and 3 month intervals following the resolution of the matter. This discussion will focus on any matters of concern that the employee may have which remain outstanding, or have been caused by the investigation and complaint.

## Quality Standard : Leadership and Management