

CHR004

Dignity at Work  
Policy & Procedure

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# Dignity at Work Policy & Procedure

## 1. **Our commitment**

Catena is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Catena will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken.

Catena will not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is also a disciplinary offence.

We have a separate Sexual Harassment Policy which sets out how we manage sexual harassment, bullying or victimisation.

## 2. **Impact and consequences**

Harassment and bullying can have very serious consequences for individuals and the company.

Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide.

Effects on the company can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the company's reputation.

Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal. Offenders may also find their own family and social relationships are adversely affected.

Bullying or harassment that relate to someone's age, disability, gender, race or any other protected characteristic covered by the Equality Act 2010 may constitute unlawful discrimination. The offender could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts is brought against them. Criminal proceedings could lead to conviction and criminal penalties.

## 3. **The scope of this policy**

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at the company, whether by direct contract with the company or otherwise.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events. It could also potentially be implemented in non-work situations (going to the pub with friends from work, or comments/interactions on personal social media accounts) where this impacts on working relationships or the reputation of the company.

#### 4. **Recognising bullying and harassment**

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

**Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

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

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them, and to have their feelings respected by others.

Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching.

It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence may not be 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 to them.

A single incident can be harassment if it is sufficiently serious.

#### **Harassment by perception**

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (for example, a perception that they are gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that the recipient is deaf.

## **Harassment by association**

Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their child is disabled, partner is pregnant or friend is a devout Christian.

## **Third party harassment**

There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks to a black employee. If an employee feels that they have been bullied or harassed by customers, suppliers, vendors or visitors, they should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

## **Examples of bullying or harassment**

Bullying and harassment may be misconduct that is physical, verbal or non-verbal.

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

- spreading malicious rumours or insulting someone;
- ridiculing someone;
- isolation or non-cooperation at work;
- excluding someone from social activities;
- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- use of offensive jokes or language, sectarian songs, or 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, calendars or pin-ups;
- coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups
- demeaning comments about a person's appearance;
- questions about a person's sex life;
- excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. their child is gay, spouse is black or parent is disabled; and
- ignoring an individual because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be transsexual;

**Victimisation** is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that an individual acts in good faith, i.e. they genuinely believe that what they are saying is true, they 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 company will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised someone.

Making a complaint that the individual knows to be untrue, or giving evidence that they know to be untrue, may lead to disciplinary action being taken against them.

## **5. Responsibilities**

### a) *Everyone*

We expect all staff to respect people's differences; and treat everyone they come into contact with at work fairly and with dignity.

Everyone has a responsibility to help create and maintain a work environment free of bullying and harassment as part of their daily actions, decisions and behaviour by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
- treating colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable;
- intervening, if possible, to stop harassment or bullying, and by giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying to your manager and supporting the company in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

### b) *Managers have a particular responsibility to:*

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment; and
- investigate and take action as necessary
- keep records as appropriate

c) *Respectfulness and working together to resolve matters*

In creating an environment free of harassment/intimidation it is important for individuals to work together with respect and to establish and maintain good working relationships.

An employee may have offended someone without intending to. If an employee is approached informally regarding their behaviour, they should:

- Listen carefully to the complaints and the particular concerns raised;
- Respect the other person's point of view;
- Understand and acknowledge that it is the other person's reaction/perception to their behaviour that is important;
- Agree the aspects of behaviour that will change;
- Reflect on their behaviour and work on making positive changes.
- Ask for feedback and advice from colleagues or their manager.

The person concerned may be content with an explanation and an apology, and an assurance that the offender will be careful in future not to behave in a way that they now know may cause offence.

Provided that the behaviour that has caused offence is not repeated, that may well be the end of the matter.

If a formal complaint is made, this will be fully investigated and the organisation may bring disciplinary proceedings, if appropriate. Full details of the informal and formal procedure are provided in the next section.

## **6. Procedure for dealing with bullying or harassment**

This procedure is designed to deal with complaints of bullying or harassment in a sensitive manner, ensuring minimal stress, timely resolution and a degree of flexibility appropriate to individual circumstances.

This procedure is separate from the disciplinary procedure, which may be used following the results of the investigation. However, an incident may be so serious, or there may be sufficient evidence to proceed straight to the disciplinary procedure.

Complaints of **sexual harassment** will be managed via our **Sexual Harassment Policy**.

Where we judge that a complaint of harassment raised under this Dignity at Work policy includes elements of a sexual nature, we reserve the right to deal with the complaint under our Sexual Harassment Policy.

## **Confidentiality**

The need to maintain confidentiality throughout the process is paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation, hearing, and prevention.

For example, the alleged victim's identity and the nature of the allegations must be revealed to the person they are complaining about, so they are able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and if a person who has been found to have harassed is kept in the organisation's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against the victim or others.

### a) **Informal Process**

Where possible every effort should be made to resolve the issue informally in the first instance, if appropriate.

Sometimes people are not aware that their behaviour is unwelcome or upsetting. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved. An informal discussion may therefore help the offender to understand the effects of their behaviour and how they should change it.

If an employee feels they have been bullied or harassed, they should initially seek to resolve the matter informally by approaching the offender. They may feel able to do this on their own or they may ask for help from a manager, trade union representative or a work colleague. Alternatively, an initial approach could be made on their behalf by one of these people.

The employee (complainant) should inform the offender what behaviour they find to be offensive and unwelcome, and say that they would like it to stop. The complainant may want to add that, if the behaviour continues, they intend to make a formal complaint.

A note should be made of the action taken (see 'keeping a record' below).

### *Keeping a record*

Anyone who believes they have suffered from bullying or harassment, are advised to keep notes about each incident, as soon after the event as possible, including

- date, time, place,
- name of person bullying or harassing,
- what actually happened,
- how they felt at the time,
- name of any witnesses,
- action taken including what was said and done,
- whether reported to management,
- any correspondence relating to the incidents and

- any subsequent complaints.

This will be important when discussing the matter with the alleged harasser/bully/victimiser or if the behaviour continues and if the matter were to be formally investigated.

b) **Formal Process**

If an informal approach does not resolve matters, or the complainant thinks the situation is too serious or unwilling for it to be dealt with informally, they can make a formal complaint in writing, clearly headed "Formal grievance", providing details of the allegations and incidents.

In the case of grievances about bullying or harassment, the normal grievance procedure is modified so that the employee can choose whether to raise their grievance with someone of their own gender. In these cases, the grievance should be raised with either the Managing Director (Matt O'Mara) or the IMS Manager (Kat Moss), as appropriate.

A meeting with the complainant will be held as soon as is reasonably practicable, within five working days of the receipt of their written complaint.

It will be conducted by the employee's manager and the Managing Director or IMS Manager (Where the complaint involves the immediate manager then alternative arrangements will be made).

At the meeting, the complainant will be asked to explain the nature of their complaint and what action they feel should be taken to resolve the matter.

While the complainant will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to their complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of their complaint. The manager conducting the hearing will intervene if they think that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

The Managing Director/IMS Manager and the employee's manager will then meet with the alleged offender and any witnesses as appropriate. All parties will be met separately.

The rights of both parties involved will be protected during any investigation and both are entitled to a full and fair opportunity to put their version of events forward and to nominate witnesses whom they wish to be interviewed.

Further interviews may need to take place to clarify or gain further information. Signed statements will be taken from all parties interviewed

Both parties will be kept informed of the general progress of the process of investigation.

## **Actions/outcome**

The Managing Director/IMS Manager, in consultation with the employee's manager, will consider all evidence, and will decide on a balance of probabilities, whether or not harassment or bullying has occurred. The Managing Director/IMS Manager will determine the next steps (detailed in a written report), for example:

- take no action, that is the allegation has not been substantiated
- initiate the disciplinary procedure, in which event the investigation that has taken place will form the basis of the case for disciplinary action
- take other management action, which could include
  - making arrangements for both parties to work as separately as possible, on a temporary or permanent basis
  - setting up arrangements to monitor the situation
  - required attendance on training courses
  - a period of compassionate leave, as appropriate

Following the meeting, the complainant you will be informed in writing of the outcome and told of any action that the company proposes to take as a result of their complaint. The complainant may discuss this outcome informally with the Managing Director/IMS Manager or relevant manager.

The alleged offender will also be advised of the outcome.

If the complainant is dissatisfied with the outcome, they may make a formal appeal.

## **Working arrangements during the investigation**

In order to relieve stress and pressure on both parties, to prevent the risk of further incidents and to prevent victimisation it may be necessary to take action to separate the parties during the investigation.

This could be by suspending the alleged bully or harasser or by temporary redeployment. Suspension under this procedure does not constitute part of the disciplinary procedure and would be on full pay.

Upon the request of the complainant, the company may consider the granting of paid special leave or work from home in appropriate circumstances.

## **Right to be accompanied**

The complainant and alleged offender will have the right to be accompanied by a fellow worker or trade union representative at a grievance meeting or subsequent appeal, subject to a reasonable request.

The choice of companion is a matter for the employee. Please note that individual workers are not obliged to agree to accompany colleagues. Companions will be given appropriate

paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.

At any hearing or appeal hearing, the chosen companion will be allowed to address the meeting, respond on the employee's behalf to any view expressed in the hearing, and sum up the case on the employee's behalf. However, both the hearing and appeal hearing are essentially meetings between Catena and the employee, so any questions put directly to the employee should be dealt with by the employee and not their companion.

Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that they can propose an alternative time within five working days of the scheduled date.

## **7. Appeal**

If the complainant is not satisfied with the outcome of the investigation, he or she may appeal in writing to the Managing Director.

The grounds for the appeal should be clearly stated, i.e. the basis on which it is believed that the outcome of the investigation was wrong or that the action taken as a result was inappropriate.

This should be done within seven working days of the written notification of the outcome of the grievance. An appeal meeting will be arranged to take place within five working days of the submission of your formal appeal, wherever possible.

The complainant should ensure that they attend the meeting at the specified time. If they are unable to attend because of circumstances beyond their control, they should inform the manager of this as soon as possible. If the complainant fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

The appeal hearing will be conducted by the Director, and a manager who was not involved in the previous stage, who will consider the grounds that have been put forward and will assess whether or not the conclusion reached by the Director, and the manager involved in the previous stage, was appropriate.

Following the appeal meeting, the complainant will be informed of the outcome within seven working days, wherever possible. The outcome of this meeting will be final.

## **8. The disciplinary process – adjustments for bullying / harassment**

If the allegation is to be heard at a disciplinary hearing, the normal disciplinary procedure will be applied. However, the following adaptations/ /variations to the standard procedure will be considered:

- the complainant will normally be required to attend the disciplinary hearing as a witness, although every effort should be made to avoid this wherever possible
- if the complainant is required to attend, they should be allowed to bring a trade union representative or work colleague and have any questions directed through this person, if they prefer.

## **9. Future working arrangements**

Whether or not a complaint of harassment is upheld, if the alleged bully/harasser remains in employment, management will make arrangements for both parties to continue or resume working together and to help repair working relationships, as appropriate. The steps needed will be discussed with both parties.

All complainants have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld.

## **10. Miscellaneous**

The company recognises the importance of independence during grievance processes. However, as a small business, there are limited managers available to participate in this process, therefore making this impractical. Where possible two managers will be in attendance at all meetings to ensure a fair process is undertaken.

The Director is committed to acting fairly and consistently and at his discretion, reserves the right to appoint an independent HR advisor to implement any stage of the process, where this is feasible.

## **11. Implementation and review**

Staff will be briefed on the bullying and harassment policy as part of the induction process to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment.

Specific training will be provided for managers to ensure they gain the knowledge, skills and awareness necessary to deal with any issues more effectively.

The company will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

This policy will be reviewed on a regular basis, taking monitoring data into consideration, in order to judge its effectiveness. legislative developments and good practice will also be considered and any necessary changes required will be implemented.

This procedure will be made available to all staff (on the Works Canteen Noticeboard and on the company's document store). Any amendment to it will be notified to employees by memo / noticeboards.