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Company Policy Statement: **Dignity at Work Policy**

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Portfolio Director: Mr Frank Lloyd-Murray

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Section: 2 – The Policy Statement

What exactly is a Policy Statement?

A policy statement is an organization-level document that prescribes acceptable methods or behaviours. Essentially, a policy is simply the way things are done within an organization.

Policies are different from procedures and standard operating procedures because they are applicable to an entire organization and are primarily intended to set direction.



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DIGNITY AT WORK POLICY STATEMENT

EVERYONE SHOULD BE TREATED WITH DIGNITY AND RESPECT AT WORK.

Bullying and harassment of any kind are in no-one's interest and should not be tolerated in the workplace.

Harassment, bullying, and victimisation are not tolerated at GRAAY[®] Limited. Harassment and bullying can have very serious consequences for individuals. It may make people unhappy, 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.

Harassment, bullying, and victimisation are, in the eyes of the law, forms of discrimination and as such are unlawful. Serious harassment may be a criminal offence. Everyone has the right to be treated with dignity and respect at work. This policy explains:

- The behaviours that you are expected to demonstrate at work
- What bullying, harassment and victimisation means

It is applicable in any workplace setting including outside the Office in the course of employment, for example business trips and work-related social events.

WHAT IS WORKPLACE BULLYING?

GRAAY[®] Limited characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.

Further, workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work or in the course of employment, which could reasonably be regarded as undermining the individual's rights to dignity at work.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work but as a one-off incident is not considered to be bullying.

A key characteristic of bullying is that usually it takes place over a period. It is regular and persistent inappropriate behaviour which is specifically targeted at one person or a group of people. It may be perpetrated by someone in a position of authority, by staff against a manager or by staff in the same position.

The impact on the individual can be the same as harassment and the words bullying and harassment are often used interchangeably in the workplace.

WHAT IS HARASSMENT?

“unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

If the inappropriate behaviour is not linked to one of these grounds it is not covered by this definition. These grounds are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

The unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures of other material. Harassment may be targeted at one employee or a group of employees. It may consist of a single incident or repeated inappropriate behaviour.

In addition, the complainant need not possess the relevant characteristic themselves and can be because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do. Harassment applies to all protected characteristics except for pregnancy and maternity where any unfavourable treatment may be considered discrimination, and marriage and civil partnership where there is no significant evidence that it is needed.

It is in every employer’s interests to promote a safe, healthy, and fair environment in which people can work.

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

The unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures, or other material.

Sexual harassment may consist of a single incident or repeated inappropriate behaviour. It may be targeted at one employee or a group of employees.

The following are some examples of inappropriate behaviour which may constitute sexual harassment. These examples are illustrative but not exhaustive:

- Physical conduct of a sexual nature e.g. unwanted physical contact such as unnecessary touching, patting, pinching, or brushing against another employee's body
- Verbal conduct of a sexual nature, e.g. unwelcome sexual advances, propositions or pressure of sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted and offensive flirtations, suggestive remarks, innuendos or lewd comments
- Non-verbal conduct of a sexual nature, e.g. the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text messages or faxes
- Unwanted or derogatory comments about dress or appearance
- Leering and suggestive gestures
-

HOW DOES SEXUAL HARASSMENT DIFFER FROM FRIENDLY WORKPLACE BANTER?

It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behaviour which is mutual and welcome. It is up to each employee to decide what behaviour is unwelcome, irrespective of the attitude of others, and from whom such behaviour is unwelcome. The fact that the person has previously tolerated the behaviour does not stop them from objecting to it now.

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.

IS MOTIVE RELEVANT?

The intention of the person engaging in the unwelcome behaviour is irrelevant; the effect of the behaviour on the person is what is important.

HOW CAN BULLYING AND HARASSMENT BE RECOGNISED?

There are many definitions of bullying and harassment. Bullying may be characterised as:

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient¹.

Harassment as defined in the Equality Act 2010 is

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment, but it is sometimes the 'grey' areas that cause most problems. It is good practice for employers to give examples of what is unacceptable behaviour in their organisation, and this may include:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions based on sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment is not necessarily face to face, it may occur through written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), email, phone, and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all workers.

Bullying and harassment can often be hard to recognise – symptoms may not be obvious to others and may be insidious. Those on the receiving end may think 'perhaps this is normal behaviour in this organisation'. They may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating.

They may be accused of 'overreacting' and worry that they will not be believed if they do report incidents. People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial, but which may be the 'last straw' following a series of incidents. There is often fear of retribution if they do make a complaint. Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences for themselves. They may be so relieved not to be the subject of the bully themselves that they collude with the bully as a way of avoiding attention.

¹ The term 'employees' is used to cover all those who work for someone else rather than on their own account, regardless of whether they are employed strictly under a contract of employment.

WHY DO EMPLOYERS NEED TO ACT ON BULLYING AND HARASSMENT?

Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for an organisation including:

- poor morale and poor employee relations
- loss of respect for managers and supervisors
- poor performance
- lost productivity
- absence
- resignations
- damage to company reputation
- tribunal and other court cases and payment of unlimited compensation.

UNFAIR DISMISSAL

Employers have a 'duty of care' for all their employees. If the mutual trust and confidence between employer and employee is broken – for example, through bullying and harassment at work – then an employee can resign and claim 'constructive dismissal', at an Employment Tribunal on the grounds of breach of contract.

HEALTH AND SAFETY

Breach of contract may also include the failure to protect an employee's health and safety at work. Under the Health and Safety at Work Act 1974 GRAAY[®] Limited is responsible for the health, safety, and welfare at work of all our employees.

For more information visit www.hse.gov.uk.

WHAT SHOULD EMPLOYERS DO ABOUT BULLYING AND HARASSMENT?

First, consider framing a workplace policy. This need not be over-elaborate, especially for small firms, and might be included in other personnel policies, but a checklist for a specific policy on bullying and harassment could include the following:

- statement of commitment from senior management
- acknowledgement that bullying and harassment are problems for the organisation
- clear statement that bullying and harassment is unlawful, will not be tolerated and that decisions should not be taken on the basis of whether someone submitted to or rejected an instance of harassment
- examples of unacceptable behaviour
- statement that bullying and harassment may be treated as disciplinary offences
- the steps the organisation takes to prevent bullying and harassment
- responsibilities of supervisors and managers
- confidentiality for any complainant
- reference to grievance procedures (formal and informal), including timescales for action
- investigation procedures, including timescales for action
- reference to disciplinary procedures, including timescales for action counselling and support availability (see page 9 for further information on counselling)
- training for managers
- protection from victimisation
- how the policy is to be implemented, reviewed, and monitored.

The statement of policy will gain additional authority if staff are involved in its development. It should be made clear that the policy applies to staff on and off the premises, including those working away from base. The policy should also make plain that bullying or harassment of staff by visitors to the organisation will not be tolerated.

First, all organisations, large and small, should have policies and procedures for dealing with grievance and disciplinary matters. Staff should know to whom they can turn if they have a work-related problem, and managers should be trained in all aspects of the organisation's policies in this sensitive area.

Second, set a good example. The behaviour of employers and senior managers is as important as any formal policy. Strong management can unfortunately sometimes tip over into bullying behaviour. A culture where employees are consulted, and problems discussed is less likely to encourage bullying and harassment than one where there is an authoritarian management style. The organisation must make it clear that bullying and harassment are unacceptable.

Third, maintain fair procedures for dealing promptly with complaints from employees. Complaints of bullying and harassment can usually be dealt with using clear grievance and disciplinary procedures. Such procedures should have provision for confidentiality, and for both the person making the complaint and the subject of the complaint to be accompanied by a fellow employee or trade union representative of their choice (the right to be accompanied at grievance hearings is set out in the Employment Relations Act 1999).

Fourth, set standards of behaviour – an organisational statement to all staff about the standards of behaviour expected can make it easier for all individuals to be fully aware of their responsibilities to others. This may include information about what constitutes bullying and harassment and what work relationships are acceptable and unacceptable. Many organisations find it helpful to supplement basic information with guidance booklets and training sessions or seminars. Training can also increase everyone's awareness of the damage bullying and harassment does both to the organisation and to the individual. Your staff handbook is also a good way of communicating with employees and can include specific mention of the organisation's views on bullying and harassment and their consequences.

Fifth, let employees know that complaints of bullying and/or harassment, or information from staff relating to such complaints, will be dealt with fairly and confidentially and sensitively. Employees will be reluctant to come forward if they feel they may be treated unsympathetically or are likely to be confronted aggressively by the person whose behaviour they are complaining about.

HOW SHOULD EMPLOYERS RESPOND TO A COMPLAINT OF BULLYING AND/OR HARASSMENT?

Investigate the complaint promptly and objectively. Take the complaint seriously. Employees do not normally make serious accusations unless they feel seriously aggrieved. The investigation must be seen to be objective and independent. Decisions can then be made as to what action needs to be taken.

Employers investigating claims of harassment should consider all the circumstances before reaching a conclusion, and particularly the perception of the complainant as harassment is often felt differently by different people. Having gathered all the evidence employers should ask themselves "could what has taken place be reasonably considered to have caused offence?"

INFORMAL APPROACHES

In some cases, it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome, and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. It may be that the individual will choose to do this themselves, or they may need support from personnel, a manager, an employee representative, or a counsellor.

COUNSELLING

In both large and small organisations, counselling can play a vital role in complaints about bullying and harassment, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the complaint without need for any further or formal action.

Some organisations can train staff from within, others may contract with a specialist counselling service. Employee assistance programmes are counselling services provided and paid for by the employer and free to the employee. The contact number for the Employee Assistance Professionals Association is given on page 13.

Business organisations may also be able to help in providing advice on accessing good counselling services.

Counselling can be particularly useful where investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint.

Counselling may resolve the issue or help support the person accused as well as the complainant.

MEDIATION

An independent third person or mediator can sometimes help resolve disciplinary or grievance issues. Mediation is a voluntary process where the mediator helps two (or more) people in dispute to find a solution to the issue that they can both agree to.

The mediator does not take sides or tell those in dispute what to do. Mediation is most likely to be successful if both parties:

- understand what mediation involves
- enter the process voluntarily
- are seeking to repair the working relationship.

Mediation can be a good way of dealing with bullying, discrimination or harassment situations depending upon the nature of any allegations.

Discrimination or bullying actions can range from unintentional misunderstandings and lack of awareness through to deliberate and malicious acts. In some cases, the individual and/or the organisation may view the allegations to be of such a nature that investigation and possible disciplinary action is the only alternative.

Mediators may be employees trained to act as internal mediators in their own workplace in addition to their day jobs. Or they may be from an external mediation provider. For more information about mediation see the ACAS website at www.acas.org.uk and the ACAS/CIPD guide Mediation: An employer's guide which can be downloaded from the ACAS website.

Section: 3 –The Policy Statement

A policy statement is an organization-level document that prescribes acceptable methods or behaviours. Essentially, a policy is simply the way things are done within an organization.

Policies are different from procedures and standard operating procedures because they are applicable to an entire organization and are primarily intended to set direction.



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DIGNITY AT WORK POLICY STATEMENT

GRAAY® Limited is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.

Harassment is any unwanted physical, verbal, or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by staff (which may include consultants, contractors, and agency workers) and by third parties such as customers, suppliers, or visitors to our premises. This policy does not form part of any employee's contract of employment, and we may amend it at any time.

If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager OR the Human Resources Department, who can provide confidential advice and assistance in resolving the issue formally or informally.

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

This policy will be regularly reviewed by GRAAY® Limited to ensure that they are adequate and continue to satisfy business requirements. This policy will be reviewed and updated as required at least but not limited to once every 12 months.

Signed as Approved this day, Friday, 08 July 2022

Signature		Position	Mr Frank Lloyd-Murray Chief Executive Officer
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