

## **Dignity at Work Procedure**

### **Purpose and Context**

The purpose of this procedure is to promote a positive working culture and to outline a transparent process to deal effectively with any incidences of discrimination, bullying, harassment or victimisation.

### **Scope**

This procedure applies to all staff at the University of Huddersfield.

## **1. Introduction**

- 1.1 The University of Huddersfield is committed to providing an inclusive and welcoming environment that is free from discrimination, bullying, harassment and victimisation where all members of our University community are treated with dignity and respect. This type of behaviour is unacceptable and will not be tolerated by the University.
- 1.2 The 'Huddersfield Leader' Framework sets out the behaviours we want to develop in our managers and leaders to build a positive, healthy, and productive working environment for everyone. This is grounded in our values which aim to support a healthy culture and productive working environment for all.
- 1.3 All members of the University community have a responsibility to ensure that they contribute to the development and maintenance of a positive working environment. The University wishes to create and maintain positive working relationships where the contribution of all is respected. This provides all individuals with rights. To maintain those rights each individual also has responsibilities as to how they treat and value their colleagues. Please see appendix one outlining these rights and responsibilities.
- 1.4 This procedure outlines the informal and formal routes available to staff who may experience discrimination, bullying, harassment or victimisation at work.

## **2. What is Discrimination?**

- 2.1 Unlawful discrimination takes place when an individual or a group of people is treated less favourably than others based on a protected characteristic such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (or lack of), sex, and sexual orientation.

- 2.2 **Direct discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have.
- 2.3 **Direct discrimination by association** is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- 2.4 **Indirect discrimination** is when a condition, rule, policy or even a practice applies to everyone, but has a disproportionate impact on people with a protected characteristic.

### 3. What is Bullying?

- 3.1 Bullying is defined by the Advisory, Conciliation and Arbitration Service (ACAS) as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”. Bullying usually involves a repeated course of conduct. Conduct may be physical, verbal or non-verbal. It may also be face to face or electronic. Appendix 1 provides examples of what may be considered as bullying.
- 3.2 It is important to make a distinction between what might be constituted as bullying and techniques used to manage staff. Managers should always treat members of staff fairly, communicate effectively and use appropriate measures to support and develop potential or promote desired work performance.

### 4. What is Harassment?

- 4.1 The Equality Act 2010 defines harassment as ‘unwanted conduct related to a relevant protected characteristic, or in general terms by the recipient or any reasonable person, 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’. The relevant protected characteristics defined in the Equality Act 2010 are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. At the University of Huddersfield, we also consider other characteristics such as gender and gender-identity when considering dignity at work. Appendix 1 provides further guidance on specific definitions of harassment in relation to each protected characteristic as defined by the [Equality Act 2010](#) and examples of unacceptable behaviour.
- 4.2 Harassment may consist of a single event or a series of incident/s that occur. It can be targeted at a specific group of people or an individual. In addition, an individual may feel harassed even if the behaviour is not directed at them (harassment because of association) for example, a friend or close relative who is disabled. It may also be directed at them even if they do not have the protected characteristic but are perceived to have it (harassment because of perception).

## **5. What is Victimisation?**

- 5.1 Victimisation occurs when a member of staff is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. A member of staff is not protected from victimisation if they have maliciously made or supported an untrue complaint (The Equality Act 2010). Appendix A provides some examples of what constitutes victimisation.

## **6. Informal resolution**

- 6.1 The University encourages members of staff, where appropriate, to attempt to resolve any issues informally wherever possible. The person causing the offence may be unaware that their behaviour is inappropriate and in these cases the informal approach provides an opportunity for the individual to be made aware of the impact of their behaviour and change it accordingly.
- 6.2 If the inappropriate behaviour continues after informal measures have been taken, or the member of staff feels it cannot be resolved informally, they may want to consider mediation and/or raising a formal complaint.

## **7. Mediation**

- 7.1 Mediation is an important consideration for resolving issues at an early stage. It is a process where an impartial third party enables two or more people to work through conflict or disagreement, with a view to finding a mutually agreeable solution. Please contact your HR Manager for more information about mediation.

## **8. Dignity at Work Advisor Network**

- 8.1 The University has a network of Dignity at Work Advisors, who are members of staff from across the University who have volunteered and are trained to undertake the role. They provide a confidential and informal service for anyone involved in cases of bullying or harassment (including those facing allegations about their behaviour). Advisors can listen, talk through the options available and, if appropriate signpost to other sources of support and advice.
- 8.2 Dignity at Work Advisors are there to listen to what has happened and to help and support, and explain the options, whether or not someone wishes to make a formal complaint. They also have names and addresses of external support groups or other professional bodies if referral is more appropriate.

[Dignity at Work Advisors Contact Information Link](#)

### Dignity at Work Advisors can:

- provide a supportive, confidential and informal environment in which to discuss issues regarding harassment and/or bullying
- provide information on the options that are available
- assist those seeking advice in thinking those options through
- empathise without judgement
- accompany individuals at meetings in an informal capacity or under their 'right to be accompanied' (providing all parties involved are in agreement)
- if appropriate, signpost to other sources of support/advice

### Dignity at Work Advisors cannot:

- make decisions for the individual seeking advice or 'fix' their situation
- take action against the alleged harasser
- mediate or negotiate between the individual seeking advice and the alleged harasser
- provide counselling
- give directional advice
- meet with the individual seeking advice outside of office hours or outside of University premises

8.3 Please note that to avoid conflicts of interest, Dignity Advisers will be unable to provide support to individuals within their own area of work or make decisions and mediate for the individual seeking advice.

8.4 While Dignity Advisers do not provide direct counselling services, staff can access confidential telephone counselling via the University's [Staff Wellbeing Confidential Support](#).

## **9. Formal Procedure**

9.1 Where the complaint has not been resolved through informal approaches, or the member of staff feels unable to pursue their complaint as an informal matter, the member of staff should submit formal written notice of the complaint to the manager of the person/people about whom the complaint is made.

9.2 A copy of the complaint should be sent by Human Resources to the person(s) complained about. The Manager should seek to resolve the complaint and should:

- Arrange to meet the member of staff within 10 working days of receipt

of the written complaint. The member of staff is entitled to be represented by a trade union representative or friend. A member of Human Resources staff will also be present.

- Explore with the member of staff the nature of the complaint and any action they wish to be taken to resolve it.
- Obtain and consider thoroughly all the relevant facts through wider investigation.
- Determine whether the complaint is justified and, if so, what action can be taken/recommended to resolve it.
- Notify the member of staff in writing of the outcome as soon as possible informing them:
- Whether the complaint is justified and if so, what action is to be taken or recommended to resolve it; or
- If the complaint is considered not justified, the reasons for arriving at this conclusion should be fully explained.
- A response should be made within 10 working days following the completion of the investigation. In exceptional cases, it may be impossible to respond in this timescale and the member of staff should be notified of the reasons for delay and the date that they will receive a response.
- Inform the member of staff in writing of their right of appeal of the findings and recommendations.

9.3 If the member of staff is dissatisfied with the outcome and the matter is still not resolved they may seek a review of the case by a senior manager. The senior manager will be appointed by Human Resources and will have had no previous involvement in the case. If the member of staff wishes to appeal, they must exercise this right within 10 working days of being notified of the outcome of the complaint and must provide written grounds of appeal to Human Resources.

9.4 The member of staff must be given at least 10 working days' notice of the appeal meeting and advised of their entitlement to be represented by a trade union representative or friend.

9.5 The Manager who heard the complaint should prepare a report responding to the points of appeal.

9.6 The report should be provided to the member of staff at least 10 working days before the meeting and the member of staff given the opportunity to submit a written response which should be sent to Human Resources five working days before the meeting. A member of Human Resources staff will be present to provide procedural advice.

9.7 The Senior Manager will respond in writing to the member of staff and the manager who heard the complaint within five working days. In exceptional cases it may be impossible to respond in this timescale and the member of staff should be notified of the reasons for delay and the date that they will receive a response.

9.8 There is no further right of appeal. This does not affect an individual

member of staff's right to pursue matters within the Employment Tribunal.

## **10. Harassment by a Third Party**

10.1 If you are subject to harassment by someone who is not a member of staff, you should take the following steps:

- a) if a student harasses you, in the course of your employment, you should report this to your line manager and the matter should be managed in accordance with the Students' Disciplinary Procedure.
- b) if a contractor, client or visitor to the University harasses you, in the course of your employment, you should immediately report this to your manager and HR.

## **11. False or Malicious Complaints**

11.1 If there is evidence that allegations of discrimination, bullying and harassment have been made on a deliberately false or malicious basis, appropriate disciplinary action may be taken in accordance with the [University's Disciplinary Procedure](#).

## **12. Confidentiality**

12.1 Due to the sensitive nature, all complaints will be investigated with particular care and will remain, where possible, confidential. The purpose of this provision is to protect the confidentiality of the person making the complaint and the reputation of the person being complained about until the matter has been resolved. However, where a complaint identifies unlawful discrimination, a safety concern or a potentially criminal act, the University has a legal responsibility to take appropriate action which might mean confidentiality cannot be preserved. Staff handling the report should only divulge information to relevant people on a 'need-to-know' basis.

## **13. Supporting Members of Staff Involved**

13.1 The University recognises that matters relating to discrimination, bullying, harassment and victimisation will be difficult for all parties concerned and is committed to providing support and assistance for member of staff in these circumstances. Please see below a summary of support available:

- Your line manager
- [Dignity at Work Network of Advisors](#)
- [Human Resources](#)
- [Equality, Diversity and Inclusion Manager](#)
- Trade Union Representative (for members)
- [Occupational Health](#)
- [Staff Wellbeing Confidential Support](#).

## **Appendix A:**

### **Bullying**

The following are examples of what may be considered to constitute bullying:

- derogatory and/or threatening remarks or language;
- insulting or aggressive behaviour;
- shouting at, ridiculing or demeaning others
- ignoring, marginalising or excluding the individual(s);
- withholding necessary information;
- the undermining of an individual through unfair work allocation and/or constant and unwarranted criticism
- making someone's working life unreasonably difficult, for example, setting of impossible deadlines, objectives and deliberately imposing an intolerable workload
- excessive and unwarranted supervision or monitoring
- physical or psychological threats
- threats relating to progression, promotion or ongoing employment
- inappropriately removing duties and/or responsibilities
- unreasonable denial of promotion, training or other job related opportunities;
- inappropriate jokes
- transphobia i.e. continual misgendering,
- biphobia i.e. erasing their identity due to current partner
- homophobia i.e. excluding a gay member of staff from events

This is not an exhaustive list but is the type of behaviour that is deemed unacceptable by the University.

### **Harassment**

The following are some examples of harassment related to specific areas as defined by the [Equality Act 2010](#) – this is not an exhaustive list.

#### **Harassment related to age**

This may include behaviour causing offense through ageist banter or jokes and the expression of age-related stereotypes. It may also include excluding a person based on a perception of what they can / cannot do in relation to their age, as well as ignoring a person or undermining their views based on their age.

#### **Harassment related to disability**

This can take the form of individuals being ignored, disparaged or ridiculed because of their impairment. Harassment may include offensive or patronising language when referring to a disabled colleague. It may take the form of unnecessarily intrusive and inappropriate questions about a person's disability or excessive and unnecessary reference to a person's disability.

## Harassment related to gender reassignment

This may include derogatory remarks/gestures, less favourable treatment towards an individual who intends to, has or perceived to have undergone a gender reassignment process. Other examples of harassment may include:

- Deliberately 'outing' an individual by revealing to others personal information about their identity
- 'Deadnaming' where someone refers to a person by their name used prior to their transition
- Purposefully ignoring an individual's preferred pronoun
- Excluding or refusal to work with someone because of their trans identity

## Harassment relating to race

Racial harassment is unwanted conduct relating to a person's race, including their ethnic or national origins, colour or nationality. This may include racist jokes, 'banter' or derogatory language. It may consist of offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals of particular racial groups.

## Harassment relating to religion or belief

This may include derogatory remarks/gestures about particular religious beliefs or religious practice. This may take the form of exclusion from workplace interactions or social events due to the individual's religion or perceived religion. It may be about the individual's religion or belief, or it may be about the religion of belief with whom the individual associates.

## Sexual Harassment/Harassment relating to sex

Sexual Harassment relates to behaviour that has a sexual content or sexual connotation. Examples could include unwelcome physical touching, making sexual remarks to or about a person, telling jokes with a sexual content or displaying sexually explicit images on a computer screen.

Sexual harassment is different to harassment related to a person's protected characteristic, for example sex. This type of harassment may take the form of jokes, assumptions or offensive language relating to an individual's sex or the sex of another person and the individual finds this unwelcome and offensive. It may take the form of exclusion or less favourable treatment due to their sex.

Someone could experience both types of harassment at the same time, or separately. Both types of harassment involve conduct that is unwanted from the individual and has the purpose or effect of violating the person's dignity or of creating an environment that they find intimidating, hostile, degrading, humiliating or offensive.



## Harassment related to sexual orientation

Harassment related to sexual orientation is unwanted conduct directed at a person because of their sexual orientation (actual or perceived) or it may be about the sexual orientation (actual or perceived) of those with whom the individual associates.

Examples can include:

- deliberately 'outing' a colleague,
- homophobic comments, gossip and speculation, jokes and 'banter' about an individual based on their sexual orientation or perceived sexuality.
- physical assault
- unnecessarily intrusive and inappropriate questions about a person's private life

This list is not exhaustive; however, they are indicative of behaviours that would be considered unacceptable conduct by the University.

## Victimisation

Victimisation can take many forms. The following list provides a few indicative examples of the type of behaviour which could amount to victimisation:

- Penalising someone for making a complaint of discrimination, harassment or bullying. For example, this might involve giving the person unrealistic or impossible deadlines.
- Excluding a person from work-related activities or conversations in which they have a right or legitimate expectation to participate because they have made a complaint of discrimination, harassment or bullying.
- Creating a difficult environment for an individual because they have made a complaint of discrimination, harassment or bullying (whether informal or formal).

## Appendix B:

### Rights and Responsibilities

The University wishes to create and maintain positive working relationships where the contribution of all is respected. This provides all individuals with rights. To maintain those rights each individual also has responsibilities as to how they treat and value their colleagues.

Each individual member of staff has the following rights:

- To be treated with dignity and respect.
- To be treated fairly and without discrimination.
- To disagree and present alternative views.
- To challenge and be assertive.
- To be consulted on decisions that affect their work.
- To have their contribution recognised.

Each individual also has the following responsibilities:

- To treat others with dignity and respect.
- To challenge inappropriate behaviours in others.
- To respect the authority and decisions of others.
- To deal with conflict constructively.
- To recognise the needs of the business and others.
- To thank and recognise the efforts of others.

## POLICY SIGN-OFF AND OWNERSHIP DETAILS

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