

Dignity at Work Policy

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如果你向我們提出要求，我們可以為你提供本資訊的其他語言的版本，或者是盲文或磁帶。如果你需要本資訊的任何一種這些版式的版本，請聯繫我們，電話號碼是 0800 479 7979。

Si vous nous le demandez, nous pouvons vous remettre ces informations en d'autres langues, en braille ou sur cassette. Si vous souhaitez que ces informations vous soient fournies sous l'un de ces formats, contactez-nous en composant le 0800 479 7979.

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Haddii aad na weydiisato waxaanu warbixintan kugu siin karaa iyadoo ku qoran luuqad kale, farta ay dadka indhaha la' akhriyaan ama cajalad ku duuban. Haddii aad jeclaan lahayd in warbixintan lagugu siiyo mid ka mid ah qaababkaas, fadlan nagala soo xidhiidh telefoonka 0800 479 7979.

По вашей просьбе данная информация может быть предоставлена на других языках, шрифтом Брайля или в аудиозаписи. Если вам требуется информация в одном из этих форматов, позвоните нам по номеру 0800 479 7979.

Approval body	<i>Executive Team</i>
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Customer engagement required	<i>No</i>
Trade union engagement required	<i>Yes - For Consultation</i>
Equality Impact Assessment	<i>No</i>

1. INTRODUCTION

This Policy is designed to ensure compliance with Wheatley Homes South Limited's (WHS) commitment to creating a work environment free of bullying and harassment, where everyone is treated with dignity and respect. Everyone has a responsibility to be alert to bullying and harassment when it occurs. Unacceptable behaviour should not occur, but if it does, it must not be allowed to continue unchecked. Inaction is not an option.

Bullying and harassment are not only serious moral issues but have strong implications for business performance. Peak levels of motivation are achieved in a culture defined by respect and recognition, not humiliation and intimidation.

Throughout this Policy the terms bullying, and harassment will be used together to ensure that all possible perceptions of such actions are covered. However, in general terms, WHS wishes to ensure that any incident or behaviour which is deemed unacceptable by the recipient is covered whether explicitly stated within the definitions contained within various sections of this policy and procedures or not.

Given the often complex and sensitive issues which are associated with bullying and harassment, simply adhering to these guidelines will not ensure that the outcome will be perceived to be successful by all who are involved. However, by using the guidelines WHS can be satisfied that they are adopting best practice principles when dealing with these complex issues.

2. SCOPE

2.1 This Policy and Procedure applies to all bullying and harassment in the workplace of and by all members of staff and by Board Members, contractors, staff from other agencies and members of the public. If the complainant or alleged bully/harasser is not employed by WHS e.g., if the worker's contract is with an agency, this Policy will apply with any necessary modifications, such as the agency would be required to remove the worker, if appropriate.

2.2 The Policy also covers bullying and harassment in the workplace at meal breaks and in any work-related setting outside the workplace, for example, business trips and work-related social events.

2.3 This Policy is supported by the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations 1992, the Employment Rights Act 1996, Protection from Harassment Act 1997, Public Interest Disclosure Act 1998, and the Equality Act 2010, as amended.

2.4 This Policy is endorsed by WHS's Board, Executive Management Team, and the recognised trade unions, and will be communicated to all of those who require to be made aware of its contents.

- 2.5 This Policy and Procedure is non-contractual and may be amended or withdrawn at any time at the discretion of WHS, following consultation with the Trades Unions.

3. BASIC PRINCIPLES

- 3.1 WHS is committed to providing a working environment which is free from harassment, bullying or intimidation of any nature. Every employee of the organisation has a responsibility to treat colleagues with dignity and respect irrespective of possession of any protected characteristic, or holding any political conviction, membership, or non-membership of a trade union/professional organisation.
- 3.2 WHS will not tolerate bullying and harassment of any kind and will investigate allegations, taking disciplinary action, if appropriate. WHS will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint.
- 3.3 WHS views bullying and harassment as serious or gross misconduct, which may be subject to action under the Disciplinary Policy. In addition, to intentionally harass, alarm or distress anyone can be a criminal offence, therefore, reference to, and application of, this Policy does not deny or inhibit in any way whatsoever, either the organisation or the employee's legal rights, responsibilities, obligations, and remedies. In serious cases dismissal and criminal prosecution can result.
- 3.4 The Policy is intended to eliminate bullying and harassment from the workplace by:
- Promoting a climate in which employees feel valued and sufficiently supported in bringing forward complaints without fear of victimisation or reprimand.
 - Raising the awareness for all staff of the stance taken against all forms of bullying and harassment by the organisation and their own responsibilities for preventing such behaviour.
 - Promoting awareness amongst staff of the reasonableness or otherwise of what may or may not be acceptable behaviour to colleagues and the standards of behaviour expected by the organisation and the impact which unacceptable behaviour can have on colleagues.
 - Providing information regarding the adverse effects which bullying, and harassment can have on staff and the organisation.
 - Outlining the informal and formal procedures for dealing with bullying and harassment ensuring that the matter is dealt with promptly and sensitively and takes into account the rights of both parties involved.
 - Providing access to confidential counselling, advice, and support for victims of bullying and harassment at work.
 - Providing a programme for the communication of the Policy, monitoring its effectiveness and training for those involved in applying the Policy.
- 3.5 Everyone has a responsibility for their own behaviour and to ensure that their actions, attitudes, or behaviours do not cause distress or upset to colleagues. In addition, managers and supervisors have a specific responsibility to be vigilant in respect of the identification and elimination of

bullying or harassment at work and to ensure implementation of, and adherence to, this Policy.

4. RESPONSIBILITIES

General responsibilities are outlined in this section for:

4.1 Responsibilities of EMT and / or Board

The Board and Executive Management Team's responsibilities include but are not limited to reviewing this Policy in line with the policy review dates and ensuring that it is reflective of WHS values and practice.

4.2 Responsibilities of the Line Managers

The line managers' responsibilities may include, but will not be limited to:

- Bringing any breach of this Policy to the attention of the Human Resources department.
- Operating within the boundaries of this Policy, ensuring that all staff understand the standards of behaviour expected of them and taking action when behaviour falls below its requirements.
- Ensuring that staff who report to them perform to an acceptable standard within a performance management framework. Legitimate, justifiable, appropriately conducted monitoring of an employee's behaviour or job performance does not, therefore, constitute bullying.
- It is reasonable to expect a manager to carry out these functions in a fair, firm, and consistent manner. Carrying out these functions does not constitute an act of bullying or harassment, although some staff may feel stressed or anxious while the procedures are ongoing. However, abusing these procedures may constitute bullying or harassing behaviour.
- It is important to differentiate between management and bullying or harassing behaviour. It is in the interests of WHS that managers should be able to carry out their duties without threat of ill-intentioned, malicious, or vexatious complaints.
- Because of differences in perception, it is not always easy to differentiate between firm, fair management and bullying and harassment. It is accepted that these descriptions represent extremes of behaviour. In practice things will not be so clear and perpetrators may display characteristics which fall somewhere in the middle. Some suggestions are below:

Firm/Fair Manager	Bullying/Harassing Manager
Consistent and Fair	Aggressive, inconsistent, and unfair
Leads by example	Dominates, sets a poor example
Decisive	Random, impulsive
Has a good appreciation of short, more medium and long term needs, goals, and strategy	Is rigidly short-term, often no more than 24 hours
Allows and trusts people to get on with the job	Constantly interfering, dictating, and controlling

Share information freely	Withholds information, releases selectively
Listens, guides, instructs	Tells
Acknowledges failings	Denies failings, always blames others

4.3 Responsibilities of the Employees

The employees' responsibilities may include, but will not be limited to:

- Bringing any behaviour in breach of this policy to the attention of the line manager or where appropriate to the Human Resources department.
- Directing any questions about this Policy to and requesting training or information on dealing with bullying or harassment from, the Human Resources Department.

5. POLICY

5.1 Impact of Bullying/Harassment

Bullying and harassment can have a very serious impact upon the individual/group being harassed and the person being accused, their colleagues and on the organisation. Intimidation in any form leads to under-performance at work. If ignored, incidents of bullying and harassment lead to, and perpetuate, a working environment in which it is unpleasant to work. People cannot contribute their best or work well in teams when they fear bullying, harassment, or abuse. Bullying and harassment cause much avoidable demoralisation, stress, anxiety, and sickness. There are also hidden psychological and social effects on the person being bullied or harassed which may have serious consequences such as relationship problems or mental health issues.

The health and morale of staff may suffer, and levels of stress, anxiety and sickness may increase. It makes sense that a working environment which is free from bullying and harassment will enable staff to contribute more effectively and achieve higher levels of job satisfaction. It will also avoid the loss of staff with valuable skills and experience.

It is recognised that there is an impact on individuals being accused of bullying or harassment, who may find the process extremely stressful. It can have an impact on mental health and social relationships as well as their situation at work. They can access support and advice from their Trade Union, if a member, the Human Resources department, or Occupational Health.

5.2 Definitions of bullying and harassment

Bullying and harassment take many forms, occur for a variety of reasons, and may be directed at individuals or groups. Both bullying and harassment can take the form of physical, verbal, and non-verbal conduct.

WHS defines bullying as “persistent unwelcome behaviour, mostly using unwarranted or invalid criticism, nit-picking, fault-finding, also exclusion, isolation, being singled out and treated differently, being shouted at, humiliated, excessive monitoring, and much more”.

Bullying differs from harassment and discrimination in that the focus is rarely based on gender, race, or disability. The focus is often on competence, or rather the alleged lack of competence of the bullied person. Whilst bullying is the common denominator of all harassment, discrimination, abuse, conflict and violence, bullying varies from harassment. The legal aspects are different, and the solution will differ according to the type of bullying.

Bullying is most commonly associated with an abuse of power most typically by a line manager or supervisor over subordinate staff. However, other power relationships may equally lead to bullying by colleagues or a group of people who may target one individual.

It must also be recognised that, albeit less common, managers may find themselves bullied by subordinate staff that use the threat of higher powers or formal procedures to make unreasonable demands.

Bullying is an inefficient way of working, resulting in loss of morale, poor work performance, legal claims, and damage to the company’s reputation. Bullies run dysfunctional and inefficient organisations; staff turnover and sickness absence are high, whilst morale and productivity are low.

People who are bullied find that they are: (the following is not intended to be exhaustive):

- Constantly criticised and subjected to destructive criticism;
- Subjected to nit-picking and trivial fault finding;
- Undermined, especially in front of others, overruled, ignored, side lined, marginalised, banished;
- Isolated and excluded from what’s happening;
- Singled out and treated differently;
- Belittled, degraded, demeaned, ridiculed, patronised, subjected to disparaging remarks;
- Regularly the target of offensive language, personal remarks, or inappropriate bad language;
- Threatened, shouted at and humiliated;
- Set unrealistic goals and deadlines which are unachievable or which are changed without notice;
- Have their responsibility increased but their authority removed;
- Subjected to excessive monitoring or supervision;
- Denied information or knowledge necessary for undertaking work and achieving objectives; and/ or
- Either over-loaded with work, or have all their work taken away.

Acts of harassment centre around unwanted, offensive, and intrusive behaviours, often with a sexual, racial, or physical component. It can take many forms, occur on a variety of grounds, and may be directed at one person or a group of people. The intention of the perpetrator is irrelevant; it is the impact on the individual which determines whether harassment has taken place.

The Equality Act 2010 defines harassment as unwanted conduct related to a relevant protected characteristic that has the purpose or effect of:

- Violating a person's dignity; or
- Creating an intimidating, hostile, degrading, humiliating or offensive atmosphere.

Harassment often (but not exclusively) targets the gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief or age of the victim.

A single incident of unwanted or offensive behaviour to one individual can amount to harassment. Again, the following list is not intended to be exhaustive but to provide some examples of harassment or discriminatory behaviour

Sexual Harassment

- Unwanted non-accidental physical contact ranging from unnecessary touching, patting, pinching, or brushing against a colleague's body, to assault and coercing sexual relations;
- Unwelcome sexual advances, propositions, or pressure for sexual activity: continued suggestions for social activity within or outside the workplace, after it has been made clear that such suggestions are unwelcome: offensive flirting;
- Suggestions that sexual favours may further a colleague's career or refusal may hinder it e.g., promotions, salary increases etc.;
- The display of pornographic or sexually suggestive pictures, objects or written materials;
- Leering, whistling, or making sexually suggestive comments or gestures, innuendoes or lewd comments.
- Conduct that denigrates or ridicules or is intimidating or physically abusive of an employee because of his or her sex, such as derogatory or degrading abuse or insults which are gender-related and offensive comments about appearance or dress.

Racial Harassment

- Conduct that denigrates or ridicules a colleague because of his or her race, such as derogatory remarks, graffiti, jokes. Such conduct can be verbal or physical;
- The display or sending of offensive letters or publications: threatening behaviour;
- Being "frozen out" of conversations: jostling or assault, or other non-accidental physical contact;
- Derogatory nicknames or racial name calling.

Disability Harassment

- Mimicking the effect of a disability or speech impairment;
- Ostracising, "freezing out", ignoring and staring;
- Making fun of a disability;
- Use of inappropriate terms (e.g. cripple, spastic);
- Inappropriate personal questions/comments about a disability;
- Belittling or patronising comments/nicknames;
- Moving a wheelchair without the user's agreement;
- Practical jokes (e.g. hiding a disability aid);
- Touching a visibly impaired person (to annoy).

Age Discrimination

- Ridiculing or demanding behaviour focused towards people because of their age.

Religious Discrimination

- Discriminatory behaviour which fails to acknowledge the rights or needs of people with different beliefs or practices.

Victimisation

- Where a person is treated less favourably than other people because, for example, that person has brought proceedings, given evidence, or complained about the behaviour of someone who has been harassing or discriminating against them.

Harassment also includes harassment based on association. It is unlawful to discriminate against or harass any individual for association with another individual who has a protected characteristic (other than marriage and civil partnership, and (according to guidance from the Government and Acas) pregnancy and maternity). For example, if an employer denies an employee a promotion because they are taking care of a disabled relative and the employer thinks that the employee will not have any time for new duties, this could amount to associative discrimination as disability is one of the specified protected characteristics. Similarly, if an employer harasses an employee because his brother is gay, this would be unlawful as associative harassment as sexual orientation is another of the protected characteristics.

Harassment also includes harassment based on a perception. It is unlawful to discriminate against or harass any individual based on a perception that they have a particular protected characteristic (other than marriage and civil partnership, and pregnancy and maternity) when they do not, in fact, have the protected characteristic. For example, an employee may look much older than their age. If the organisation does not allow the employee to make presentations to clients because their line manager thinks that they are too old, the employee has been discriminated against because of a perception of the protected characteristic of age, even though they may be relatively young. Similarly, if an employee is called names and made fun of because their colleagues believe that they are a transsexual, the employee may have a claim for perceptive harassment related to the

protected characteristic of gender reassignment, even though the employee is not a transsexual.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.

Subject to limited exceptions in some circumstances for religion or belief and sexual orientation, it is unlawful to discriminate directly or indirectly, harass or victimise a member of the public based on any of the protected characteristics in the provision of services or goods.

Harassment and bullying can occur both in the workplace and in settings outside the workplace, such as business trips, events or social functions organised for or on our behalf and whether on or off WHS premises. Anyone who believes they are being subjected to harassment or that they are being bullied should not hesitate to use the procedures set out below.

5.3 Dignity at Work – Procedure: Bullying and Harassment by Colleagues

Where an individual believes that they have been bullied or harassed there are a number of options available to them dependent upon the circumstances of their own particular situation. WHS has a two-tier procedure: an informal stage and then, if this is not sufficient or the offence is of a serious nature, a formal stage.

5.3.1 Informal Stage

This will involve the individual approaching the alleged bully or harasser in order to tell them that their behaviour is found to be offensive and why, and to ask them to stop using such behaviours. The individual may ask a colleague or trade union representative to be present for moral support. If the individual would find confronting the alleged bully or harasser too difficult but still wishes to pursue the matter informally, they can ask either their trade union, line manager or a member of the Human Resources team to speak to the person concerned. Another option may be for the individual to write directly to the alleged bully or harasser detailing the offensive behaviour and confirming the requirement to stop any further bullying or harassment.

The individual should keep a note on file which includes a statement that it should only be taken into account if formal or further informal procedures are initiated. This is necessary should evidence be required at a later date should the bullying or harassment continue or subsequently recur. The Human Resources department should also be informed for anonymous monitoring purposes.

Unwitting and organisational bullying can often be defused at this stage without the need to escalate matters to the formal stage. A quiet word or a letter from the target will often be sufficient. It should be emphasised that in order to maintain working relationships, matters should be dealt with by an informal intervention wherever possible. This may involve facilitated discussion between the parties involved. However, this does not remove the inherent right of the individual to deal with the matter formally.

Individuals who are approached informally regarding bullying or harassment should take the matter seriously and should not think, for example, that because they were only joking that their colleague is being too sensitive. Different people find different things acceptable, and everyone has the right to decide what behaviour is acceptable to them and to have these feelings respected by others.

If an individual is in any doubt as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then that individual should initially contact the Human Resources Department confidentially, on an informal basis. The Human Resources Department will be able to advise that individual how their concerns should be dealt with.

Where the informal approach is unsuccessful, or the individual has chosen to go straight to the formal stage of the procedure the following arrangements will apply.

5.3.2 Formal Stage

A formal complaint should be made to the individual's line manager or supervisor, the Human Resources department or to the line manager of the alleged bully or harasser. Any formal complaint should be made in writing detailing the basis upon which the alleged bullying or harassment has taken place. The manager who receives the written statement should consult the HR Manager and provide a copy of the document.

The first step is to find out the facts, therefore, an investigation is essential. The investigator will be impartial, and confidentiality will be maintained to the maximum extent possible. It may be necessary for WHS to consider, based upon the circumstances of each case, whether it may be more appropriate for an independent body to carry out the investigation. This should be discussed in partnership with the individual and their trade union representative/work colleague if they have chosen to be represented.

Consideration will be given to whether the alleged harasser or bully should be redeployed temporarily or suspended on full pay or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation.

At the outset of the investigation, the investigator will meet with the individual to hear the individual's account of the events leading to the complaint. The individual has the right to be accompanied by a colleague

or a trade union representative of the individual's choice. WHS will arrange further meetings with the individual as appropriate throughout the investigation and/or at its conclusion. Should the individual have any documentary evidence in support of their allegations, they should provide the investigator with copies as soon as possible.

The investigator will also meet with the alleged harasser or bully who may also be accompanied by a colleague or trade union representative of their choice. It may also be necessary to interview witnesses to any of the incidents mentioned in the complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.

Those involved in carrying out the investigation must recognise the difficulty which some individuals will have in talking about the incidents involved to a third party and that they may become distressed during the process. They may harbour feelings of embarrassment, a fear of being disbelieved or not being taken seriously, a fear of further damaging the working environment or a fear of management being biased against them. Talking and being questioned about the incident(s) therefore often serves to add considerably to the stress already suffered as a result of the bullying or harassment itself.

It is important that an individual is not questioned in a way, which implies that they have either consciously or unconsciously invited the bullying or harassment. That in its own way can be a form of bullying or harassment, which will add to the stress being experienced by the individual. Also remarks implying that the bullying or harassing behaviour was meant as a joke, or that someone was only being too friendly, or questioning someone's taste in clothes (in the case of sexual harassment) are also unacceptable.

It should not be necessary for the individual or the alleged bully or harasser to have to repeat their statements to different managers at different times thereby increasing the stress they may suffer. Full, written, and signed statements from all involved should be taken at an early stage. A written and dated record of all investigatory interviews should be made.

At the conclusion of the investigation, the investigator will submit a report to an officer nominated to consider the complaint. The officer will usually arrange a meeting with the individual to report the outcome within a week of the conclusion of the investigation. A copy of the investigator's report together with the officers' findings will be provided to the individual and to the alleged harasser. If the officer finds that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. The findings will be dealt with under WHS's Disciplinary Policy.

As formal disciplinary action is a possible outcome from this investigation it should be conducted in accordance with the provisions of the Disciplinary Policy. It is also crucial that the same timescales within these procedures are adhered to. Whereas it may not be practicable to determine within this

procedure timescales to suit every situation the individual, their representative and the alleged bully/harasser must be advised in writing prior to the commencement of the investigation the envisaged timescale. Any significant changes to the timescale must also be advised in writing with the reasons for these changes. Any suspensions/relocations arising from this investigation will be carried out taking account of all of the circumstances.

Even where a complaint is not upheld, consideration will be given to how the ongoing working relationship between the individual and the alleged harasser or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

Any individual who is, after investigation, found to have deliberately provided false information or to have acted in bad faith may be subject to action under WHS's Disciplinary Policy.

5.3.3. Decision

There are four potential outcomes following an investigation. These are:

- The complaint is not founded;
- There is insufficient evidence;
- Evidence and/or nature of complaint justifies counselling/advice only;
- Evidence justifies formal disciplinary action.

5.3.4 Formal Hearing

Any formal disciplinary hearing should be conducted in accordance with the natural justice provisions contained within the Disciplinary Policy.

5.3.5 Formal Action

If, following an investigation and formal disciplinary hearing, a complaint is held to be valid, appropriate formal action will be taken, which in serious cases may include dismissal. In serious circumstances if relocation proves necessary, every effort will be made to relocate the bully or harasser and not the complainant unless it is the stated wish of the individual that they be moved. The organisation will in all cases where bullying or harassment is founded seek to prevent a recurrence of this behaviour.

Both the individual and alleged bully or harasser will be notified of the outcome in writing with due regard for confidentiality of both parties.

5.3.6 No Formal Action

If following an investigation and/or a formal disciplinary hearing, no formal action is taken, the individual and alleged bully or harasser will be notified of the outcome in writing with due regard for the confidentiality of both parties. If a claim is found to be malicious in nature, then the individual may find themselves subject to formal disciplinary action.

It may be the case that whilst no formal action is taken, some informal action may be appropriate such as counselling of the alleged

bully/harasser or facilitated discussion to attempt to resolve the situation. In this situation both the individual and alleged bully or harasser will be notified of the outcome in writing with due regard for the confidentiality of both parties.

5.3.7 Formal Review

If a decision to take no further action is made following an investigation and/ or a formal disciplinary hearing, an employee or their representative may request a formal review. This request should be made within 2 weeks of any decision to the HR Manager and the documentation will be reviewed by the next senior management level. It will be for this individual to decide once they have reviewed the investigative material as to whether further interviews or hearings are required. These should be completed as timeously as possible.

It is recommended that further interviews or hearings are kept to a minimum to protect those involved.

5.4 Dignity at Work – Procedure: Bullying and Harassment by Members of the Public, Board Members, Contractors, and Staff from Other Agencies

Staff have the same rights as service users/stakeholders to be treated with respect and dignity at all times and have the right to complain if bullied or harassed by members of the public, Board Members, Contractors, or staff from other agencies.

If a member of staff is bullied or harassed in the course of carrying out their duties the following procedure should be adopted. It is inappropriate to swap the employee with another employee without explaining to the individual the reasons for this action. It is a priority of WHS to ensure that no staff are put in a situation of potential risk and the following procedures are put in place to protect staff whilst carrying out their duties.

5.4.1 Informal Stage

Where possible incidents should be dealt with informally in the first instance.

If the employee feels able to do so they should inform the bully or harasser, at the time if possible, that they find their actions/remarks and behaviour to be unacceptable. They should state that they wish the unwanted behaviours to stop. If the situation warrants the need for a witness, staff are advised to approach a colleague to accompany them when approaching the alleged bully or harasser. The employee should then report the matter to their manager as soon as possible.

If the employee does not feel able to speak to the bully or harasser personally, they can ask their manager to do this on their behalf. It will be the responsibility of the manager involved to discuss the action taken to date and what should be done in the future if any further incidents occur.

If the harasser is a Board Member, it may be appropriate to discuss the matter with the Company Secretary or the Chief Executive in consultation with the Chairman of the Board (unless the harassment involves the Chairman) at the earliest opportunity.

If the bully or harasser is a member of the public, it may also be appropriate to discuss the matter with one of the Senior Management Team.

After ascertaining the facts and being satisfied that an incident has occurred, the manager must inform the harasser of the consequences of further incidents. Where it appears, the individual is refusing services on grounds related to a protected characteristic they should be advised that their action may be discriminatory. It should also be made clear to the individual that in taking this action they may be deemed to be refusing services altogether which could result in either the withdrawal of a service or the loss of access to WHS's premises.

In all cases, a file note should be kept of the details of the incident, the action taken and by whom. The Human Resources department should be notified of the incident and action for anonymous monitoring purposes.

If informal action proves insufficient to deal with persistent acts of bullying and harassment, then management reserves the right to take further formal action. (In serious cases it may be appropriate to move directly to this stage.)

In cases where the bullying or harassment involves contractors or staff from other agencies the informal and formal stages should be applied as appropriate. However, due to the specific nature of the relationship between WHS and these individuals/organisations, the following additional step should be included in the informal stage.

If the harasser is a contractor or staff member from another agency, the manager will contact the appropriate senior person within the company/organisation concerned and discuss the situation. The manager would advise them that this type of behaviour is unacceptable and that if it is repeated then the individual concerned may be refused entry to WHS's premises. (This is on the basis that all contractors are advised that the provisions of the Policy apply to them in advance of an award the contract for services under which they are operating. Also, those partnership organisations are aware that whilst on WHS's premises or dealing with staff employed by WHS they will be expected to behave in an acceptable manner).

5.4.2 Formal Action

A formal complaint should be made to the individual's line manager or supervisor, the Human Resources department, or in the case of Board Members, the Company Secretary or Chief Executive. Any formal

complaint should be made in writing detailing the basis upon which the alleged bullying or harassment has taken place.

Where the incident is sufficiently serious the manager will meet with the individual prior to putting the matter in writing as above. Any letters should be copied to the appropriate senior management and the HR Manager.

In cases of physical violence or serious threats of violence the manager should also involve the police as appropriate. Notwithstanding this a member of staff may at any time involve the police as they wish.

In the case of Board Members, the appropriate process and actions as specified in the Board Members' Code of Conduct will apply.

In the case of members of the public being involved, the manager must investigate the incident(s) and consider the following prior to taking any action and making their decision:

- The degree to which the incident undermines the relationship between parties;
- If any previous incidents have occurred and the severity of these;
- The effects of the incident on the employee.

If the incident is serious, or a repetition of a previous incident(s) for which informal action has been taken then the bully or harasser should be written to officially by the relevant manager informing them:

- That their comments/actions/behaviour are not acceptable and are potentially discriminatory;
- That further incidents will not be tolerated.
- That further incidents may result in the withdrawal of services.

In the case of contractors and staff from other agencies, if the matter is not resolved informally, the formal stage would require the appropriate manager to write to the appropriate senior person within the company/organisation concerned to advise them that this type of behaviour is unacceptable and that if it is repeated then the individual concerned may be refused entry to WHS's premises or continued contact with staff of WHS.

5.4.3 Formal Review

If a decision to take no further action is made an employee or their representative may request a formal review. This request should be made to the next senior management level. A request for a formal review should be made within 2 weeks of any decision. It will be for this individual to decide once they have reviewed the investigative material as to whether further interviews or actions are required. These should be completed as timeously as possible.

It is recommended that further interviews are kept to a minimum to protect those involved.

6. GOVERNANCE AND REGULATION

6.1 This policy is the responsibility of the Human Resources Department. The Human Resources Department has responsibility for sending figures of all incidents, informal and formal actions reported to the Human Resources Department to the Finance and Personnel Committee at quarterly intervals.

6.2 The policy is due for formal review every three years.

7 SANCTIONS

7.1 Any breaches of this policy may be subject to disciplinary action under WHS's Disciplinary Policy.

7. RELATED / REFERENCED POLICIES

- WHS Code of Conduct
- WHS Complaints Policy
- WHS Disciplinary Policy
- WHS Grievance Policy
- WHS Redundancy Policy
- WHS Training Policy