group policies and procedures

# dignity at work policy

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**Related policies and guidance**

1.

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# POLICY

The aim of this policy is to ensure that all employees enjoy a working environment which is non-threatening and in which the dignity of individuals is respected. All employees have the right to be treated with dignity and respect at work and the company will do all it can to ensure this happens.

Unfortunately, on occasions employees may be subjected to harassment or bullying at work from another employee, a visitor, patient, contractor or client. The company will not tolerate such behaviour and employees are encouraged to seek redress through the complaints procedure outlined below.

One of the company’s legal obligations is a duty of care to provide both a safe place and a safe system of work, any harassment or bullying that is reported must be investigated, first informally and later, if appropriate, formally, in order to comply with this duty of care.

All employees are asked to respect the dignity of their colleagues at all times. Employees are also encouraged to challenge potentially offensive conduct, in order to promote a safe, non-threatening working environment.

An employee who is considered, after proper investigation, to have subjected another employee to any form of harassment or bullying will be disciplined and may be dismissed.

# Roles & Responsibilities

The Director of HR & People has responsibility for managing the Dignity at Work Policy and ensuring that the processes and procedures are carried out as set out in this policy.

# What is Harassment?

Harassment can take many forms, occurs on a variety of grounds and may be directed at one person or many people. In general terms harassment is any form of unwanted verbal, non-verbal or physical conduct that has the purpose or effect of violating the dignity of a person or of creating an intimidating, hostile, degrading, humiliating or offensive environment.

It can be further defined as any conduct based on age, sex, sexual orientation, gender reassignment, disability, HIV status, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority, domestic circumstances, property, birth or other status which is unreciprocated or unwanted and which affects and individual’s dignity.

**Examples of Harassment**

Some examples of harassment may be:

1. Unwanted physical contact ranging from touching to serious assault
2. Unwanted verbal or written conduct of an upsetting nature e.g. jokes, offensive language, gossip, letters, emails, mobile text messages
3. Upsetting non-verbal conduct e.g. display of pornographic/sexually explicit pictures, obscene gestures, graffiti etc
4. Coercion for sexual favours or
5. Pressure to participate in political/religious groups
6. Isolation e.g. “sending to Coventry”, non-cooperative behaviour etc
7. Intrusion by pestering, spying and stalking

These are just a few examples. However, it will be for the recipient to determine what is inappropriate behaviour – if it offends them, it is harassment.

# What is Bullying?

Bullying differs from harassment and discrimination in that the focus is rarely on gender, race or disability. The focus is often on competence or rather the alleged lack of competence of the bullied person.

Bullying is any persistent behaviour directed against an individual, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the recipient. Bullying is largely identified not so much by what has actually been done but rather by the effect it has on its target.

Examples of bullying include:

1. Verbal of physical threats and intimidation
2. Persistent negative comments
3. Humiliating someone in front of others
4. Unjustified, persistent criticism
5. Offensive or abusive personal remarks
6. Setting unattainable targets
7. Constantly changing work targets in order to cause someone to fail
8. Reducing someone’s effectiveness by withholding information
9. Singling out one person for criticism where there is a common problem
10. Not giving credit where it is due
11. Claiming credit for someone else’s work
12. Belittling someone’s opinion
13. Making false allegations
14. Monitoring work unnecessarily and intrusively
15. Persistent undervaluing of work done
16. Removing areas of responsibility without justification
17. Imposing unfair sanctions

# PROCEDURE FOR DEALING WITH HARASSMENT AND BULLYING BY OTHER EMPLOYEE(S)

**Informal Procedure**

Where an employee (complainant) feels that they are being subjected to some form of harassment or bullying it is often best if it can be resolved informally. Sometimes, the person causing the harassment or undertaking the bullying may be unaware that their conduct is causing the recipient distress.

The complainant should explain to the person that their behaviour is not welcome, offensive, embarrassing, interfering with their work, intimidating or undermining. However, it could well be the case that the complainant feels unable to do this and may feel more comfortable asking a colleague to intervene on their behalf.

Where the complaint is about an employee’s direct supervisor/manager, they may wish to involve another manager, to help induce an informal solution.

In most cases, the informal approach will provide satisfactory results. However, if this does not bring an immediate end to the problem or the behaviour is too serious for the matter to be raised informally, redress through the Formal Procedure should be sought.

**Formal Procedure**

**Stage 1**

1. The complainant should prepare a written statement detailing the alleged offence and give it to their Manager. It would be helpful if the statement could include the name of the alleged harasser (or bully), the nature of the harassment, dates and times of any incidents and the names of any witnesses.
2. Where the employee feels uncomfortable about providing the manager with such information, either because they are the perpetrator (person causing the alleged harassment or bullying) or where it is a complaint about sexual harassment and the complainant feels uncomfortable about raising it with a person of the opposite sex, they should raise their concerns to another manager or the Director of HR & People for Castleman Healthcare Ltd.
3. An oral statement may initially be made but this should be followed up in writing. The person being accused of harassing or bullying another employee has the right to be informed in writing of the complaint made against them.

**Stage 2**

1. The person to whom the complaint has been made, will investigate the allegations in confidence. Investigations will normally take place within 5 working days or within such other time as mutually agreed.
2. If necessary and appropriate, either or both parties may be suspended on full pay during stages 2 and 3 of the Formal Process.
3. There will be a thorough review of all the facts including interviewing of both the complainant and the accused, either separately or if felt necessary in joint session. The employee accused of the harassment/bullying will be given at least 2 working days written notice of any formal meetings on the matter, as per the Staff Discipline Policy. It may also be necessary to interview witnesses or request written statements from them.
4. Employees have the right to be accompanied by a work colleague based at the same location or a trade union official at any formal meetings. An employee may request a postponement of a meeting on account of a third party not being available, up to a maximum of 7 calendar days.
5. It is of utmost importance that there is a commitment to confidentiality for and by everyone concerned, including witnesses.

**Stage 3**

If, following the investigations, there is a reasonable belief that there is no case to answer, the accused and complainant will be informed of the decision and this will be confirmed in writing.

If it is found that the accused has behaved in a manner constituting harassment or bullying, they will be informed of the decision and appropriate action taken in line with the company’s Disciplinary Policy. This may result in dismissal.

**Appeal**

Both parties have the right to appeal against the decision made at Stage 3. This must be submitted, in writing within 7 calendar days of written confirmation of the decision, to a level of management beyond the manager who made the original decision. If this manager has been closely involved in the case, they may appoint an appropriate alternative manager to hear the appeal.

An employee appealing against a disciplinary decision should follow the appeal procedure detailed in the Disciplinary Policy.

**Documentation**

During the procedure, records of complaints, witness statements and meetings should be kept including names of parties, dates, nature and frequency of incidents.

# PROCEDURE FOR DEALING WITH HARASSMENT AND BULLYING BY PATIENTS/VISITORS/CLIENTS/CONTRACTORS/CONSULTANTS

**Informal Procedure**

Where an employee (complainant) feels they are being subjected to some form of harassment or bullying it is often best if it can be resolved informally. Sometimes, the person causing the harassment or undertaking the bullying may be unaware that their conduct is causing the recipient concern.

The complainant should explain to the person that their behaviour is not welcome, offensive, embarrassing, interfering with their work, intimidating, undermining. However, it could well be the case that the complainant feels unable to do this and may feel more comfortable asking a colleague or their line manager to intervene on their behalf.

It is hoped that the informal approach will provide satisfactory results. However, if this does not bring an immediate end to the problem or the behaviour is too serious for the matter to be raised informally, redress through the Formal Procedure should be sought.

**Formal Procedure**

**Stage 1**

1. The complainant should ideally prepare a written statement detailing the alleged offence and give it to their manager.
2. An oral statement may initially be made but this should be followed up in writing.
3. If a formal complaint is made against a Medical Consultant, the investigating manager must refer to the Company’s Clinical Governance documentation and take action as appropriate.

**Stage 2**

The manager, or another person to whom the complaint has been made, will investigate the allegations in confidence. Investigations will normally take place within 5 working days or within such other time as mutually agreed.

There will be a thorough review of all the facts. This will normally involve interviewing the complainant and the accused. If the accused refuses to comply with our internal policy, we may ask them to provide a written statement or, subject to the nature of the allegation, we may involve a professional 3rd party (this could be the police, a solicitor or the relevant professional representative body).

Employees have the right to be accompanied by a work colleague based at the same location or a trade union official at any formal meetings. An employee may request a postponement of a meeting on account of a third party not being available, up to a maximum of 7 calendar days. It may also be necessary to interview witnesses or request written statements from them.

It is of utmost importance that there is a commitment to confidentially for and by everyone concerned, including witnesses.

**Stage 3**

If, following the investigations, there is a reasonable belief that there is no case to answer, the complainant and accused will be informed of the decision. If there is reasonable belief that there is a case to answer, it will be for the Director of HR & People to determine how to deal with the accused, depending upon the seriousness of the offence. In some cases, it may be sufficient to ensure that the employee does not come into contact with the person again. However, in serious cases it may be necessary to advise the person that they cannot enter the medical premise again and/or that the company will no longer do business with them. In the case of a consultant, they may have their admitting rights removed and the GMC or BMA may be involved, as appropriate.

**Appeal**

Appeal against the decision taken by either party, must be in writing within 7 calendar days of written confirmation of the decision to a level of management beyond the manager who made the original decision. If this manager has been closely involved in the case, they may appoint an appropriate alternative manager to hear the appeal.

**Documentation**

During the procedure, records of complaints, witness statements and meetings should be kept, including names of parties, dates, nature and frequency of incidents.

# MALICIOUS COMPLAINTS

The company will view very seriously malicious complaints. Consequently, when after investigation, it is evident that a malicious complaint has been made; the complainant will be dealt with through the disciplinary procedure and may be dismissed.

**After the Procedure**

1. The company will view very seriously any victimisation as a result of making or being involved in a complaint through the procedures noted above.

2. In some instances it may be in the best interests of all concerned that the complainant and harasser/person bullying are separated by being moved to different working areas. Where this is feasible, it will normally be the harasser/person bullying who is moved.

3. On occasions, harassment may be unlawful i.e. particularly that of serious assault or sexual nature and it may be necessary to involve the Police, with the permission of the complainant. In this event the company will carry out an independent enquiry as far as it affects employment status.

4. Where a complainant has suffered sexual harassment or bullying they should be given the opportunity to receive counselling from an internal or external counsellor, at the expense of the company.

# DUTIES OF ALL EMPLOYEES

All employees are responsible for ensuring that their behaviour at work is appropriate and could not be construed as harassing or bullying.

Where an employee believes they are being harassed or bullied they should follow the procedures outlined above.