



Your Homes
Newcastle

- Respected
- Safe and healthy
- High morale
- Feel valued
- Productive
- High performing
- Good attendance
- Self respect
- Excellence

**Dignity at
work?**

**Dignity and respect at work policy, guidance
and procedures**
April 2006

Replaces previous Bullying and Harassment Policy

Dignity and respect at work

Contents	Page
The Policy	3
Guidance and procedures	4
• What is dignity at work	4
• Unacceptable behaviour	4
• Recognising unacceptable behaviour	5
• Our responsibilities	6
• What you need to do flow chart	8
• Options for action	9
• People other than staff	12
Appendix one	
• Incident log sheet	13

The policy

Our commitment

- We (Your Homes Newcastle) are committed to promoting a positive working environment where the dignity and respect, to which all employees are entitled, is not undermined.
- We are opposed to any form of bullying, harassment, discrimination, victimisation or any unacceptable behaviour towards an individual or group.
- We will not tolerate bullying, harassment or intimidation in the workplace.

What we will do

- We will make sure all employees know what is expected of them and are aware of the policy and associated procedures and the implications of certain behaviours.
- We will take any allegations made by employees seriously and, so far as possible, will manage complaints speedily and confidentially.
- We will make every effort to resolve complaints informally however where this is not appropriate or possible, we will hold a formal investigation.
- We will support employees who are experiencing difficulties in a range of ways by offering:
 - codes of behaviour and conduct
 - access to work life balance policies
 - advice from Human Resource professionals
 - support of independent counsellors
 - use of informal or formal Mediation
 - instigation of a formal complaint under the grievance and disciplinary procedures
- We will not accept victimisation arising from a complaint about bullying and harassment and we will treat it and deal with it appropriately and it may result in disciplinary action for misconduct.
- We will monitor any incidents to identify potential problems and areas for improvement.
- We will review the policy regularly in consultation with staff and trade unions to ensure that it reflects up to date Employment and Anti-discrimination Law, Government policy and European directives and regulations.

Guidance and procedures

What is dignity at work?

Dignity and respect at work is about how we treat people. It is about our behaviour as an organisation and as individuals towards the people who work for us and who we work with. It is about valuing and respecting people as individuals, their qualities and their differences.

When we don't value and respect people, our behaviour can undermine the dignity and respect to which we are all entitled. It can result in:

- poor morale
- a loss of respect
- poor performance
- lost productivity
- illness
- absences and
- resignations.

Behaviour that undermines someone's dignity and respect is unacceptable and can be a problem in any organisation if it is allowed to continue.

What do we mean by unacceptable behaviour?

This type of behaviour is sometimes hard to recognise because:

- It may not be obvious to others
- We may feel it is normal behaviour that is culturally acceptable in YHN
- We often ignore it through worry about feeling weak and not being up to the job
- We worry about overreacting and being believed

We describe in detail what standards we expect from our staff and what their rights and responsibilities are in respect of working together and for YHN as an organisation in our Code of behaviour and conduct.

Unacceptable behaviour towards an individual or a group can take the form of:

Bullying; which is persistent, unwelcome, offensive and intimidating behaviour or misuse of power which makes someone feel upset, threatened, humiliated or vulnerable and undermines their self-confidence.

Harassment; which is unwanted conduct that, violates someone's dignity and creates an intimidating, hostile, degrading, humiliating or offensive environment.

Discrimination; which is about treating a person or group less favourably than another person or group because of their gender, race, ethnicity, disability, age, sexual orientation, or religious belief.

Victimisation; which is where, we treat a person or group less favourably than others because they have referred to or asserted their rights.

These types of behaviour can come in many forms and may happen once or more than once, either way it is unacceptable.

How can we recognise unacceptable behaviour?

Most people will agree on extreme cases of bullying and harassment, but it is sometimes the 'grey' areas that cause most problems.

Behaviour that is considered unacceptable by one person may be considered firm management by another.

Legitimate management action within agreed procedures to deal with staff whose ability or behaviour is in question is not harassment or bullying. However, it is if that manager's behaviour is outside what we would consider to be 'legitimate and reasonable management action' such as:

- deliberately undermining a competent worker by giving them more work than they can cope with, or
- withholding or supplying incorrect information, then we could consider them as having harassed or bullied the employee concerned.

Examples of unacceptable behaviour include:

- spreading malicious rumours, or insulting someone
- copying memos or e mails that criticise someone to others who do not need to know
- getting involved in other peoples issues without their express permission
- ridiculing or demeaning someone by picking on them, setting them up to fail, embarrassing remarks or jokes, or comments on dress or appearance
- deliberately excluding someone
- verbal abuse including racist and sexist language
- asking someone to carry out inappropriate tasks
- displaying offensive materials including pornography and racist material
- overbearing supervision or misusing power or position
- unwelcome sexual advances such as leering, touching, standing too close, demands for sexual favours
- physical assault including touching or other unwanted physical advances such as poking
- making threats or comments about job security without good reasons
- constant criticism

- preventing career progression by intentionally blocking promotion or training opportunities.

Unacceptable behaviour does not always happen face to face. It may be by:

- written communications
- e-mail, or
- phone.

When writing e-mails, bold, red and capital letters as well as offensive language can be seen to be aggressive and are not appropriate. We should not send anything by e-mail that we would not say in person.

What are our responsibilities?

We expect you to:

- treat your colleagues politely, fairly and with dignity and respect
- value differences in others and the contribution they make
- be aware of how your behaviour impacts on others and change it if it is likely to cause offence
- challenge inappropriate behaviour constructively and bring unfair treatment you have witnessed or if you strongly suspect it to the attention of managers
- co-operate with investigations into allegations made under this policy and maintain confidentiality as agreed
- carry out learning and personal development as needed
- be aware that disciplinary action may be considered if you make false or malicious allegations
- support others where possible as the lodging of a complaint and any associated investigation can be extremely difficult and distressing for both the complainant and the subject of the complaint.

We expect managers who have responsibilities for staff to also:

- manage people effectively and in a fair and consistent way and refer to what is required by the Management competencies and the Management Charter.
- ensure all their staff understand this policy, follow it and understand the implications of certain behaviours
- lead by example, set high standards and be open to feedback

- be available to staff to discuss their problems or concerns and to provide appropriate support
- take allegations seriously and manage any investigation speedily and confidentially
- pass any investigation to Human Resources staff only when it is inappropriate for them to deal with it themselves because they may be implicated in some way
- ensure that employees, who have raised concerns are not victimised as a result of their actions
- be aware that any failure to act on a complaint will be treated as misconduct in itself

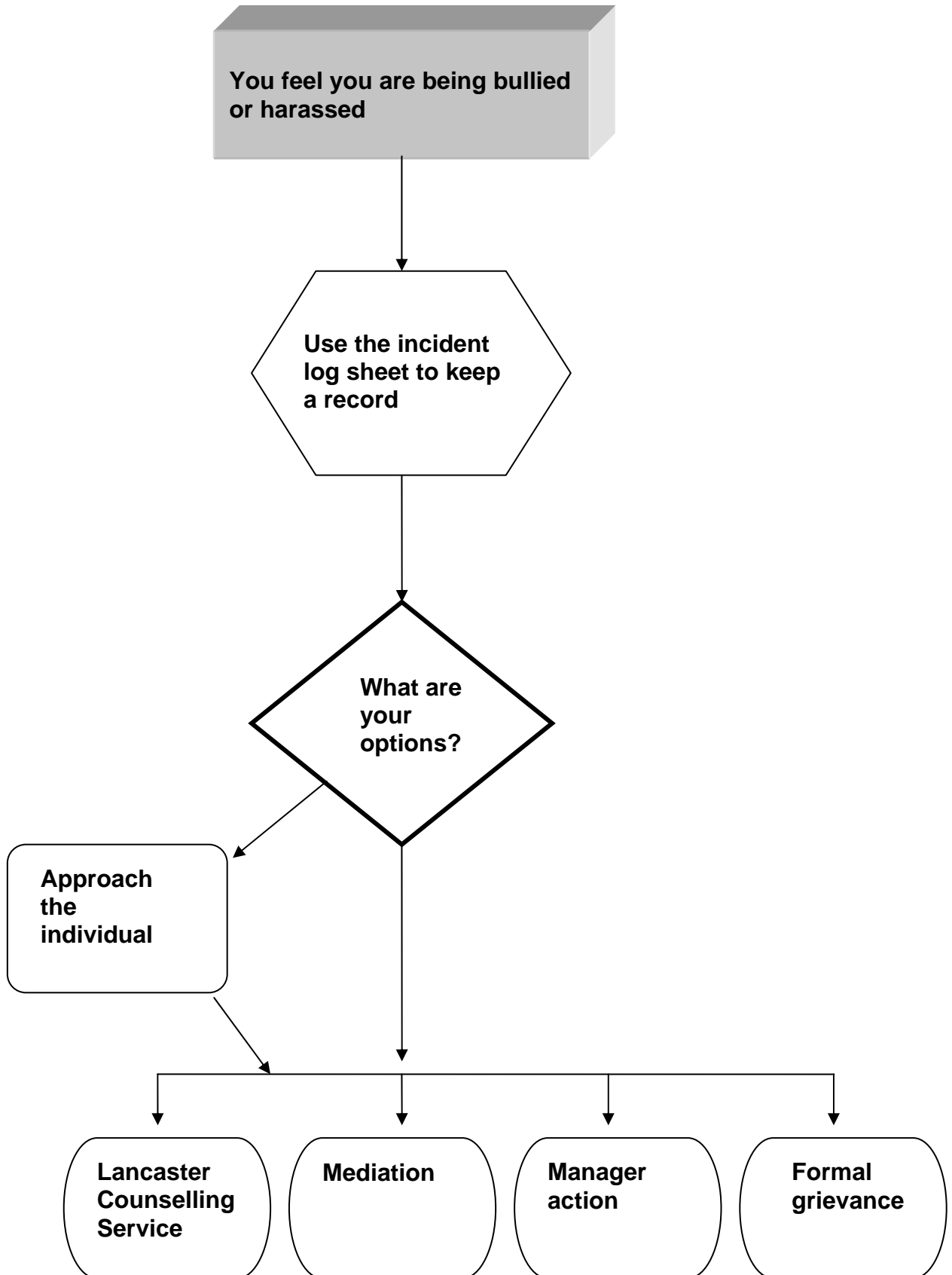
In addition, if someone has complained about your behaviour you should:

- listen carefully to the person making the complaint and to the particular concerns they tell you
- respect the person's point of view and apologise for any offence caused
- deal with any issues as soon as you can and if necessary modify your behaviour

As a valued employee you can expect to:

- be treated fairly and know what is expected of you
- receive the training and development you need to do your work
- discuss your work with the person you report to and raise any issues that you need support with
- be consulted about issues that affect you and be valued and recognised for your contribution
- be encouraged to develop and achieve your full potential
- be taken seriously if you make an allegation and have your complaint dealt with speedily and confidentially
- receive confidential advice and support on the operation of this policy from your manager and where that is not appropriate, our Human Resources staff. This is the case whether you are the complainant or the subject of a complaint.
- have your complaint resolved informally, and if this is not possible or appropriate, through a formal investigation
- be supported in any investigation by your Trade Union representative, a legal representative, a colleague, a relative or a friend

What do you need to do?



You feel you are being bullied or harassed.

If you think you are being bullied or harassed or are a victim of other unacceptable behaviour there are a number of things you can do.

Use the incident log sheet.

Whichever course of action you take you may find it helpful to keep a written log of the incidents of bullying or harassment giving as much information as possible, including:

- the date;
- the place;
- the time;
- details of incidents; and
- names of any witnesses.

It is important to gather as much supporting evidence of your experience as possible. Make sure you keep any bullying letters, e-mails and memos; this will contribute to a broader picture and be more convincing than an imprecise recollection of events several weeks or months later. See Appendix one.

What are your options?

Think about what you want the end result to be as this could influence the course of action you take. Do you want?

- to sort it out yourself
- someone else to deal with it
- to continue working together
- to cease working together, and/or
- them to face disciplinary action

Approach the individual

If you feel able, approach the person who is bullying or harassing you and ask them to stop the offending behaviour.

You should be polite, firm and assertive. If you take this step, do not get into any difficult, frightening or dangerous situations.

You may want to let your manager know you are doing this or you may wish to deal with it yourself without informing them. Whichever you do, make a note of the event, including the response you received.

You could also make your request in writing instead. We advise you to keep a copy of this correspondence.

Lancaster Counselling Service

You can use the phone helpline run by Lancaster Counselling Service. Independent counsellors act as a first point of contact and will provide support, advice and information on issues relating to bullying and harassment. You can use them whether you intend sorting the situation out yourself or taking any other action.

Phone: 0800 068 5155 (scheme number: 70699).

You can also get information on this from the following.

- NCC Intranet (equalities website)
- Your line manager or their line manager
- Leaflets in your Induction Pack or from Human Resources staff
- Leaflets at Customer Service Centres
- NCC Occupational Health

Mediation

You may wish to try, or your manager may suggest, Mediation as a way of resolving the situation.

Mediation is a process where an independent person can help you and the person harassing you to look at and understand your differences and, if possible, settle them. You, not the mediator, decide the terms of any agreement. Mediation can be used formally and informally, and can be a very effective way of tackling bullying and harassment.

The mediation service that we use is offered by an outside organisation. This is to make sure that employees have confidence in the mediator as a neutral person.

If you feel mediation would be useful please contact or ask your manager to contact Human Resources staff.

There are a range of approved mediators. Some specialise in working with staff from black and minority ethnic groups and lesbian, gay, bi and transgender groups, others are more general.

Manager action

It is desirable wherever possible that you should deal with the matter informally with your manager in the first instance. In dealing with your concerns your manager will:

- agree with you a course of action and potential outcomes
- investigate your concerns in line with timescales agreed with you at the start of the process
- deal with your complaint confidentially
- take appropriate action which could include:
 - simply asking the employee concerned to stop the offending behaviour
 - offering mediation
 - a highly focussed discussion with the employee concerned about unacceptable behaviour, its impact and what is expected of them
 - reorganising team dynamics
 - disciplinary action against the employee concerned
- pass the case to Human Resources staff if it is inappropriate for them to deal with it through a conflict of interest
- liaise with the Manager of the employee concerned where they are from a different team and agree with them an appropriate course of action
- advise Human Resources staff of any agreed action and outcomes and provide them with appropriate supporting information.

Formal grievance

If you are unable to resolve your concerns with your manager or it is inappropriate for them to deal with them, you may wish to make a formal complaint through our Grievance Procedure.

You can get details from your letter of appointment / contract of employment, manager, trade union or from the following Intranet link:

<http://194.61.175.66/yhn.nsf/a/995ec638592be9fc80256e3f003e48a0?OpenDocument>

If it is inappropriate for you to submit the Grievance form under Stage I of the Grievance Procedure to your immediate Manager, either because your complaint is about them or they are implicated in some way, then you should submit it to their immediate manager.

We will deal with your complaint within agreed timescales.

You need to be aware that the case may result in disciplinary action for the person who your complaint is about.

Action we can take against employees

We will use the most effective methods to stop unacceptable behaviour and to prevent it from happening again.

In many cases the level of action necessary will be a highly focused discussion with the employee concerned.

This is likely to involve:

- a description of the unacceptable behaviour;
- an explanation of the effects on the person being harassed;
- a statement of the standards needed;
- an agreement on the action needed to meet the standard; and
- an agreement on monitoring the person's actions to meet the necessary standard.

In circumstances where managers feel that disciplinary action is necessary, we will use our disciplinary procedures:

<http://194.61.175.66/yhn.nsf/a/9ab70b1c2aade58c80256e3f003e432a?OpenDocument>

Depending on the seriousness of the offence, and under our disciplinary procedure, employees found to have harassed and bullied at work may:

- be given a written warning (either first or final);
- be compulsorily transferred (without protection of wages or salary); or
- be dismissed.

We will normally only compulsorily transfer someone where the case is of a very serious nature but dismissal is not justified, it would be unreasonable for them to work alongside the person bringing the complaint and where they do not agree to transfer voluntarily

Failure to deal with a complaint

We will treat failure to deal with a complaint about bullying or harassment as misconduct in itself and in these circumstances we will normally take disciplinary action against a manager or supervisor.

Confidentiality

We will ensure that information is not shared without the permission of the person making the complaint and for the protection of both the complainant and accused that we deal with the investigations as confidentially as possible.

Unacceptable behaviour by someone other than a member of staff

Board Member

Your manager should report the situation to the Company Secretary who will initiate an investigation in line with the process outlined in the YHN Board Member Code of Conduct and Communication Protocol.

Councillors of NCC

Your Manager should report the situation to the Chief Executive who will speak to the Head of Democratic Services about what further action to take. They may agree to speak to the member informally and ask them to change their behaviour or they may decide that the matter is serious enough to need formal action.

In these circumstances, the Head of Democratic Services will report the matter to the relevant chief whip or group leader. Members have their own code of conduct to refer to (see the Newcastle Charter on the NCC intranet).

Contractor

Your manager should report the situation to the person managing the particular contract on our behalf. They can then take a range of actions, including withdrawing or amending contracts. Each case would be dealt with on advice from Legal Services and within the terms of any contract.

Partner or other agency

Your manager should liaise with the manager of the employee concerned with regard to appropriate action around misconduct within the terms of their employment in that organisation. If no suitable solution is forthcoming, further remedial action would depend on the nature of the partnership or relationship with the organisation and appropriate Legal Advice.

Member of the public

Depending on the circumstances of each case, we will consider a range of actions where a member of the public harasses or bullies one of our employees while carrying out their duties or as a result of their duties. These actions include:

- withholding our service
- taking legal action against the person harassing or bullying our employee
- taking immediate action to deal with people who harass or bully employees, including excluding them from our premises and temporarily withdrawing our services
- where they are our tenants, taking action through the tenancy agreement which may include seeking possession of their home.

Monitoring and review

The Human Resources Team are responsible for supporting managers in operating the policy and for monitoring its operation. They will provide information every six months to YHN Personnel Committee about the number and nature of any cases that have been supported by Lancaster Counselling, referred to Mediation, identified by Occupational Health, required Management intervention or have resulted in a complaint under the grievance procedure.

HR staff will review the policy every year.

Incident log sheet (ensure you give as much detail as possible)

Incident number:		Date and time:	
What is the name of the person(s) you feel is bullying/harassing you?			
Where did the incident take place?			
Who else was present when the incident took place?			
What happened?			
Why did it happen?			
What did you do?			
How did you feel?			
Other information:			

N.B. Keep a record of any relevant information, including, letters, emails, memos etc.