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# **Department of Human Resources Dignity & Respect at Work Policy**

(Dealing with bullying and harassment in the  
workplace)

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other formats on request.**

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## **Dignity and Respect at Work Policy**

### **Introduction**

The University is committed to developing a work environment in which all employees are treated with dignity and respect. Harassment and bullying and unlawful discrimination are not acceptable and will not be tolerated. The University Strategic Plan (2008-2015) incorporates the University Dignity and Respect Statement. This statement is set out in Appendix A.

### **1. Purpose**

In promoting a culture of dignity and respect it is necessary to be clear about behaviour that is inappropriate and potentially unlawful and to specify how any such behaviour should be addressed. This policy provides clear information as to what may constitute harassment and bullying and aims to ensure that all staff seek, where appropriate, to prevent harassment and bullying and are aware of their individual responsibilities to act appropriately. It provides information to staff on how to raise a complaint and where to seek advice and guidance. It outlines the procedure and framework for investigation of complaints.

### **2. Scope**

This policy covers harassment and bullying between members of staff, between Managers and staff and from staff to students or visitors to the University. Any alleged harassment by a student or member of the public or contractor should be brought to the attention of the University Secretary.

### **3. Principles**

- All staff have the right to be treated with dignity and respect.
- All staff have the right to be treated fairly and not be subjected to unlawful discrimination.
- All reported alleged harassment or bullying will be responded to in accordance with this policy. Should the alleged complaint involve an individual's line manager as either alleged perpetrator or witness the complaint should be reported to the next level of management.
- Staff are encouraged to try to resolve complaints through the informal procedure where that is appropriate.
- Mediation (by a trained person) either internally or from an external source will be considered where appropriate as part of the informal procedure.
- Employees who are the subject of an alleged complaint are entitled to be provided with details of the alleged complaint and to respond. Complaints under the formal approach will be taken forward in accordance with the University's formal Grievance Procedure.
- Where during the course of investigation of a complaint it is determined that a disciplinary investigation is required then this will be undertaken in accordance with the University Disciplinary Policy and Procedure.

- Harassment, victimisation, bullying and unlawful discrimination may result in disciplinary action up to and including dismissal.
- Any malicious or vexatious complaints may also result in the Disciplinary Policy and Procedure being invoked.
- Access to sources of advice and confidential counselling are available to staff.
- Managers and sources of support will be provided with development to support them in the application of the policy.
- Sources of support and guidance are listed in this policy (Appendix B).

#### 4. **Legislation**

A list of relevant legislation is outlined in Appendix C.

#### 5. **What is Harassment and Bullying?**

**Where examples are given they are illustrative only and are not exclusive or exhaustive.**

##### 5.1 **Harassment**

Harassment is unlawful under anti-discrimination legislation.

It is generally accepted that Harassment is:

Unwanted conduct which has the purpose or effect of affecting the dignity of a person, or of creating an intimidating, hostile, degrading, humiliating or offensive environment. The conduct may be related to sex, race, colour, nationality, national or ethnic origin, disability, religion or belief, sexual orientation, gender re-assignment, age or any personal characteristic of the individual.

Even though the surrounding circumstances will be taken into account when considering whether conduct amounts to harassment, it is important to be aware that an important factor is the perception of the individual. Therefore, conduct can amount to harassment even where the person responsible does not intend the conduct to have that effect.

Harassment may occur in a number of areas and may be physical, verbal, and non-verbal. It is not always face to face and can be through written communication, e.g. e-mail. Harassment includes gossip, jokes and innuendo. It may take place over a period of time. However, depending on the circumstances, one instance may also constitute harassment.

To amount to harassment the conduct need not necessarily be directed at an individual but could amount to a culture which appears to tolerate, for example, the telling of jokes against certain groups of people.

Be aware that certain types of harassment may constitute a criminal offence.

**The following information provided in sections 5.1.1 to 5.1.6 are some examples of conduct which can amount harassment (and the examples are for illustrative purposes only):**

##### 5.1.1 **Harassment on the grounds of Sex**

This includes:

- Harassment related to (i.e. harassment because you are a man or because you are a woman)
- Sexual Harassment – This is unwanted conduct of a sexual nature
- Harassment of those who are transsexual or transgender

The following are some examples:

- unnecessary or unwanted touching or physical contact
- sexually suggestive or derogatory remarks
- foul language
- compromising invitations or gifts
- requests or demands for sexual favours
- displays or viewing of sexually suggestive or degrading pictures or objects
- any comments which imply that gender impairs the person's ability to perform their job
- verbal or physical threat
- incitement to any of the above

#### 5.1.2 Harassment on the grounds of sexual orientation

This relates to the sexual orientation or perceived sexual orientation of a member of staff and also of any persons with whom a member of staff is associated. Making assumptions about health and lifestyle can lead to conduct which amounts to harassment.

#### 5.1.3 Harassment on the grounds of race, colour, nationality, national or ethnic origin

Racial harassment is rooted in racism, ignorance and prejudice and can include physical and verbal attack, threats, derogatory remarks and name calling, exclusion or picking on a person, racist graffiti and material.

#### 5.1.4 Harassment on the grounds of religion or belief

This relates to the religion, religious belief, non belief or philosophical beliefs of a member of staff and also of any persons with whom a member of staff is associated. It can include staff who are, for example, atheist.

#### 5.1.5 Harassment related to Disability

This can be a verbal or physical attack on an individual, and can include jokes, name-calling and derogatory remarks. It is often attributable to unfounded assumptions and lack of understanding about physical or mental disability. It is important to be aware that a person can be disabled even if they don't have any obvious physical difficulties. For example, staff with learning difficulties and non-physical medical complaints can be disabled.

#### 5.1.6 Harassment on the grounds of Age

This can include remarks, jokes or judgements about an individual's ability related to their age. It can often stem from assumptions and stereotypes. All age groups, not just the young and old, are entitled not to be subjected to harassment on the grounds of their age.

## 5.2 Bullying

Bullying may be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying may also amount to unlawful discrimination. Bullying is largely identified through the effect of actions on an individual. It often, but not always, takes place when no witness is present and can be very subtle.

There is not always agreement on what constitutes bullying and some may define alleged bullying as "firm management". However, whilst Managers are required to manage and to do so effectively, they must also adhere to the principles of dignity and respect.

5.2.1 The following examples, whilst not exhaustive, provide guidance on unacceptable behaviour that can amount to bullying:

- Intimidation or aggression
- Spreading malicious rumours, insulting someone
- Ridiculing or demeaning someone
- Picking on someone or setting up someone to fail – eg by setting unreasonable deadlines
- Exclusion or victimisation
- Unfair allocation of work or responsibilities
- Unjustified withholding of information necessary for the individual to undertake his/her work
- Taking credit for the work or achievements of others
- If mistakes occur, seeking to blame others who are not responsible for the mistakes
- Overbearing supervision or other misuse of power or role e.g. shouting at colleagues in public or in private
- Making threats or comments about job security without foundation
- Deliberate overload of an employee or making them subject to unjustified criticism
- Preventing the progression of individuals by blocking appropriate training or development opportunities

**It is important to note that it is not the intention of the perpetrator that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by normal standards and is disadvantageous or unwelcome to the person subjected to the behaviour.**

## **6. Responsibilities**

### **6.1 Staff**

As a member of staff you are responsible for treating all colleagues, students and visitors to the University with dignity and respect.

### **6.2 Line Managers**

As a Line Manager you are responsible for ensuring that you are aware of your responsibilities to seek to prevent bullying and harassment in your workplace and to take all reasonable steps to seek to prevent any forms of unlawful discrimination and to take timeous action on any complaints received.

You should be aware that this responsibility extends to any environment where work related activities take place. These can include social gatherings organised by the University.

### **6.3 Director of Human Resources**

The Director of Human Resources is responsible for ensuring the implementation of this policy and for the regular review of the policy. Details of any complaints will be retained for monitoring purposes on an anonymous basis and where appropriate reported to the Equality and Diversity Board.

## **6.4 Trade Unions**

This policy has been revised in partnership with the recognised trade unions which support the aim of resolving any complaints of harassment or bullying, and that where appropriate this is done through informal means.

## **6.5 Monitoring and Policy Review**

This policy will be subject to periodic review in accordance with employment law and good practice. An annual report of data on complaints of harassment and bullying will be compiled and referred via the Director of HR to the University Secretary with a view to identifying any areas of concern and further action.

## **7. Procedure for raising and addressing complaints of harassment and bullying**

### **Introduction**

Any member of staff who is subject to harassment or bullying should follow the procedure outlined in this policy.

**In cases of harassment or bullying you can seek help immediately from one of the sources of support listed in Appendix B who will assist you in deciding what to do.**

Any difficulty in defining what constitutes harassment or bullying should not deter staff from complaining of behaviour which causes them distress. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment or bullying by one person may not seem so to another. The defining features, however, are that the behaviour is unwanted by the recipient and would be regarded as harassment by any reasonable person.

Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. In such cases the University would recommend contacting the sources of support. The University will respect the particular sensitivity of harassment or bullying complaints and their consequences as well as the need for the utmost confidentiality.

If you feel that you are being harassed or bullied do not think that it is your fault or that you have to tolerate it.

Where appropriate, staff are encouraged to try and resolve matters on an informal basis with recourse to the formal procedure only where efforts at an informal resolution have been attempted.

Usually the outcome that is most sought is for the alleged behaviour to cease and this can often be achieved through an informal process. Staff are encouraged to seek guidance from any of the sources of support listed in Appendix B if they wish to discuss how to proceed.

In circumstances where a member of staff has expressed a concern about inappropriate behaviour in terms of the Dignity & Respect Policy, but feels unable, at that time, to allow their identity to be made known to the person concerned, the University is very limited in the action it can take, if any, in relation to the complaint. The recommended route for resolution of issues is the complaints procedure as noted below.

## **Complaints procedure**

### **7.1 Initial steps**

1. You should make a written note of any behaviour which you consider to be inappropriate – describing what has happened with the date and time and the names of any witnesses. This will assist you in setting out your complaint and if it is necessary to proceed under the formal procedure.
2. You should seek advice from one of the sources of advice in Appendix B
3. Wherever possible attempts should be made to address issues under the informal procedure as noted below.

### **7.2 Informal approach/mediation**

1. If you feel you are in a position to do so, you should directly approach the person against whom you have a complaint and explain to that person what is concerning you.
2. If you feel unable to approach the person directly, you should approach your Line Manager for a confidential discussion. Your Line Manager will then contact the person and where both parties are willing to participate in the informal process seek to resolve the matter through informal discussion. Your Manager will keep a note of discussions and agreed actions.  
Any issues raised informally with a Line Manager that fall within the scope of this policy and on which he/she considers action may be required will be referred by the Manager to HR for advice.
3. Where the complaint concerns your Line Manager you should report the problem to your Head of Department/Unit or Dean (in cases involving Dean or Head to the next level of the management team) who will take advice from HR to determine another manager to work with who will seek to resolve the issue in the manner described above.
4. Where informal routes to resolution are not considered appropriate or have failed to resolve the issue, the Manager receiving the complaint will seek advice from HR on the potential use of mediation.

Mediation is a process whereby a trained mediator assists both parties to find a mutually acceptable solution to a problem raised. The mediator will seek to work with both parties towards an outcome in which neither party feels that they are the “loser” and is aimed at future good working relationships. It is a voluntary and confidential process and mediation will normally take no longer than one day. Mediation can be a very useful way for issues to be aired and resolved.

The above informal procedure constitutes the first stage (informal stage) of the University Grievance Policy and Procedure.

### **7.3 Formal Approach**

If you are dissatisfied with the outcome of the informal approach or if the conduct complained of does not cease, or if the informal approach is not appropriate, then you may raise the matter under the Grievance Policy and Procedure, starting at stage 1 of the formal procedure and omitting the informal stage. Please refer to the University’s Grievance Policy and Procedure, point 5, for further details. Your complaint should be set out in accordance with the Policy and submitted to the Director of Human Resources.

## **8. Procedure Principles**

### **8.1 Confidentiality**

Any concerns raised will be dealt with confidentially by management, and with fairness and sensitivity. Disclosure of the complaint will usually only be made to the person against whom the complaint is made, although it may be necessary for relevant witnesses also to be informed as part of any investigation (which will usually only be the case where a formal process is carried out).

There may be exceptional circumstances where it will be necessary to disclose to others concerns which have been raised, for instance where the person making the complaint, or other individuals, may be at risk. In such circumstances the University would, where reasonably possible, try to agree a course of action with you before others are involved. If agreement cannot be reached, the University will need to consider whether it is nevertheless appropriate for disclosure to be made.

### **8.2 Timescales**

Managers will treat any complaint under this policy as a priority and will take steps to try to resolve the matter quickly. The amount of time which it takes to progress a complaint will depend on a number of factors, including whether the employee wishes the matter to be dealt with informally or formally and the extent of any investigation which is to be carried out. At the outset an indicative timescale will be determined and advised to all parties by the Manager dealing with the complaint. If it is necessary to change this indicative timescale it is important that this is advised to all parties.

## **Appendix A**

University Dignity and Respect Statement as set out in the University Strategy Plan (2008-2015)

### **Dignity and Respect Statement**

The University recognises that to achieve its Mission and to implement its Vision and Values, it must value fully all members of the University community and treat them with dignity and respect.

To ensure that this happens, we are committed to upholding everyone's rights and expect all members of the University community to fulfil their responsibilities towards each other.

We will respect diversity in all areas of our work and deal fairly with people irrespective of their age, background, disability, gender, political belief, race, religion or sexual orientation. We are committed specifically to:

- Communicating openly, including listening to all points of view
- Treating others fairly, with equal openness, honesty and respect and making judgements free from discrimination
- Promoting individual responsibility and accountability for actions in dealing with others
- Developing and maintaining a positive working environment in which everyone is treated with dignity and respect
- Valuing cultural, individual and role differences
- Treating people equally regardless of their level or role within the organisation
- Creating an environment in which bullying or any form of discrimination is not tolerated
- Developing structures and processes that support this commitment and its successful implementation

## Appendix B

### DESIGNATED OFFICERS AND SOURCES OF ADVICE

#### Support and Guidance

##### Sources of Advice:

##### Nominated Advisers

##### *names to be sought*

##### Sources of Advice

Equality and Diversity Co-ordinator

Mr Chris Bradshaw

HR Staff

Mr Iain Grant  
Mrs Susan Paton  
Mrs Lesley Blair (Paisley)  
Mrs Lesley Blair (Hamilton)  
Mrs Susan Gormley  
Mr Ray Higgins  
Mrs Anne Johnstone  
Mrs Sheila Ross  
Ms Ren Santosh  
Mrs Sammi Reilly  
Mrs Julia Hawkins  
Ms Leanne McShane

Occupational Health Adviser

Ms Janette Leck

Director of Student Services  
Senior Welfare Adviser  
University Spiritual Care Team

Ms Maeve Cowper  
Mrs Rosemary Sleith  
Student Advisory Service  
041 848 3801

##### Trade Union Representatives

Mr J Robertson (EIS/ULA)  
Mrs Anne Dickson (UNITE)  
Mrs I McLeod (UNISON)  
Mr K Galbraith (UNISON)  
Mr T Girvan (UNITE)  
Mr T Keegan (EIS/ULA)  
Mr J McCulloch (UNITE)  
Mr T Brown (UNISON)

01292 88 6480  
0141 848 3957  
0141 848 3152  
0141 848 3934  
0141 848 3757  
01698 283 100 ext 8272  
01698 283 100 ext 8227  
01698 283 100 ext 8310

## Appendix B cont.

### External Support and Advice

#### **EMPLOYEE COUNSELLING SERVICE**

**8<sup>th</sup> Floor, Savoy Tower, 77 Renfrew Street, GLASGOW - TEL. 0141 332 9833**

The Employee Counselling Service provides free counselling and support for employees on an independent confidential basis.

**24 hour helpline Contact: 0800 389 7851**

Telephone and in person appointments. Contact: 0800 435 768

#### **Useful Contacts:**

##### **The Andrea Adams Trust**

**Website: [www.andreaadamstrust.org](http://www.andreaadamstrust.org)**

A not for profit organisation set up to continue the work of Andrea Adams who publishes a ground breaking book on bullying at work in 1992

##### **Advisory Conciliation and Arbitration Service (ACAS)**

**Website: [www.acas.org.uk](http://www.acas.org.uk)**

Advisory Service for both employers and employees

##### **The Equality and Human Rights Commission**

**[www.equalityhumanrights.com](http://www.equalityhumanrights.com)**

This is the new all-embracing body for equality and human rights in the UK, which replaced the CRE, DRC and EOC in October 2007.

##### **Stonewall**

**[www.stonewall.org.uk](http://www.stonewall.org.uk)**

**Stonewall** works for equality and justice for lesbians, gay men and bisexuals.

## **Appendix C**

### **Legal Framework**

Sex Discrimination Act 1975

Gender Equality Duty: April 2007

The Employment Equality (Sexual Orientation) Regulations 2003

The Employment Equality (Religion or Belief) Regulations 2003

Disability Discrimination Act 1995

Disability Equality Duty: December 2006

Race Relations Act 1976

Race Equality Duty: November 2002

Race Relations (Amendment) Act 2000

Sex Discrimination (Gender Reassignment) Regulations 1999 & Gender Recognition Act 2004

Civil Partnership Act 2004

The Employment Equality (Age) Regulations 2006

The Employment Rights Act 1996

The Employment Act 2002 and associated regulations

The Health & Safety at Work etc Act 1974 and associated regulations

The Protection from Harassment Act 1997

The Sex Discrimination Act 1975(Amendment) Regulations 2008

The Human Rights Act 1998