

Dignity at Work Policy (Bullying and Harassment)

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This policy will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation. In the event that this policy or procedure is not compliant, the relevant legislation shall prevail.

Changes to this policy will be subject to consultation with the University's recognised Trade Unions before implementation

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1. POLICY STATEMENT

- 1.1 Brunel University London is committed to providing a workplace that is free from bullying, intimidation, harassment or victimisation and where all employees and students are treated and treat others, with dignity, respect and courtesy.
- 1.2 The University's Equality, Diversity and Inclusion Policy for employment sets out our commitment to both the principles and the implementation of equal opportunities for all our employees. We value the diversity of our workforce and this is reflected in the core values of the University as set out in our Strategic Plan. We strive to eliminate unlawful discrimination and to promote our equality and diversity strategy within the context of prevailing legislation.
- 1.3 The University is determined to eradicate any harassment, bully and victimisation and maintains a zero-tolerance approach to such behaviour at work. The effects of unacceptable behaviour can be wide ranging and include:
 - damage to morale and engagement;
 - poor performance
 - increased absence (particularly stress related);
 - poor customer service;
 - increased employee turnover;
 - detrimental impact on university reputation;
 - possibility of legal action being taken.
- 1.4 Appendix 1 contains definitions and examples of harassment, bullying and victimisation.
- 1.5 Bullying and harassment may be dealt with as a disciplinary matter.

2. POLICY AIMS AND OBJECTIVES

- 2.1 The purpose of this policy is to assist in maintaining a healthy working environment where unacceptable behaviour is identified, challenged and stopped. It aims to:
 - ensure the dignity of all employees at the University;
 - ensure that differences are respected and valued;
 - demonstrate our commitment to equality, diversity and inclusion;
 - set out the responsibilities of all parties in preventing bullying, harassment and victimisation;
 - outline the process to seek support if bullying or harassment occurs.
- 2.2 The policy is designed to ensure that employees are confident that should they bring a complaint in good faith, the matter will be taken seriously and dealt with sensitively and in line with the agreed procedures.

3. SCOPE

- 3.1 This policy applies to all employees of the University.
- 3.2 The principles of this policy extend to our expectations of agency workers, contractors, honorary appointees, visitors and volunteers.
- 3.3 This policy covers all places of work and work related events including external business trips, field trips and work related social events.
- 3.4 A separate Bullying and Harassment Policy is in place for students and is available from Student Services. Where concerns cross over with staff and students advice should be sought from HR and student services in how to approach the issue.
- 3.5 In exceptional cases, a dignity at work issue may amount to potential criminal misconduct and may warrant police involvement, such as assault or sexual violence. In such circumstances the Head of Department and Human Resources Directorate will decide on the appropriate way forward in liaison with the individual and relevant authorities as appropriate.

4. KEY PRINCIPLES

- 4.1 **Timeliness** – Every reasonable effort will be made to deal with complaints in a timely manner, balancing the need to resolve issues quickly and the need to ensure they are dealt with fairly and appropriately, normally within 20 working days
- 4.2 **Confidentiality** – All information concerning dignity at work complaints must be treated in strictest confidence to protect those involved. Matters will be dealt with confidentially and sensitively by all parties involved.
- 4.3 **Awareness** - Employees will be made aware of the acceptable standards of behaviour and this policy through the University's compliance training programme. Bespoke and ad hoc training on Dignity at Work can also be provided to departments/teams by the Human Resources Department.
- 4.4 **Equality, Diversity and Inclusion** – At all stages, proper consideration should be given to the EDI implications and needs of the individuals involved to ensure that matters are dealt with in a fair manner.

5. ACCEPTABLE BEHAVIOUR

- 5.1 All employees of the University are expected to:
 - treat all others with dignity, respect and courtesy
 - conduct themselves professionally
 - be pro-active in developing and maintaining effective working relationships
 - take appropriate action where there are difficulties in working relationships
- 5.2 Unacceptable behaviour may constitute a pattern of repeated behaviours in which individual incidents are borderline, but which taken together, breach the bounds of acceptability. The behaviour does not need to be ongoing; a single event of unreasonable behaviour is enough for an employee to make a complaint.

- 5.3 There are some types of behaviour that would always be considered to fall below the threshold of acceptability. These include assault, discrimination, harassment, bullying or victimisation.
- 5.4 Unacceptable behaviour should not be confused with normal managerial authority carried out in a professional and reasonable manner including legitimate, constructive and fair feedback regarding an employee's conduct or performance.
- 5.5 Appendix 2 contains guidelines on expected standards of behavior.

6. RESPONSIBILITIES

Employees

6.1 All employees are expected to:

- treat colleagues and other members of the University community with dignity and respect;
- display courtesy in interactions;
- value differences in others and the contribution they make;
- report any witnesses or suspected incidents of bullying, harassment or victimisation immediately to their line manager or to one of the people listed in appendix 3 for support and/or advice;
- adhere to the University's Equality, Diversity and Inclusion Policy.

Managers

6.2 Managers and others in senior positions within the University have a responsibility to:

- lead by example, facilitating an inclusive and respectful working environment in which employees also feel able to challenge inappropriate behaviour;
- setting standards and ensuring appropriate workforce behaviours are maintained;
- take prompt action to challenge and stop inappropriate behaviour when should it occur;
- ensure that any concerns raised with them are acted upon in line with this policy;
- report to their HR Business Partner any complaints of bullying and harassment reported to or witnessed by them.

Human Resources Directorate

6.3 The Human Resources Directorate will:

- provide training on equality, diversity, inclusivity including dignity at work;
- provide guidance and coaching for managers to enable and empower them to deal with incidents as and when necessary;
- provide advice to employees who wish to raise a dignity at work matter and to facilitate additional support as necessary;
- monitor and report on dignity at work instances;
- ensure the dignity at work policy (and grievance procedure if necessary) is followed fairly and consistently;
- help to maintain and develop the anti-harassment advisor's network.

7. RAISING A CONCERN

7.1 Informal Resolution

7.1.1 Every effort should be made to stop the perceived offensive behaviour informally. Often a person will not realise their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effect of their behaviour and agree to change it.

7.1.2 Employees who witness unacceptable behaviour, as well as those whom experience it directly, are encouraged to raise their concerns with the relevant individual in the first instance if possible. It is important to raise concerns as soon as possible after the event so that details are still fresh in people's minds.

7.1.3 Workers, third parties and trade union representatives can also raise concerns under this policy.

7.1.4 When raising a concern, the employee should politely explain to the person that what they have said or done that has caused offense, how it has made them feel and ask them to stop it immediately.

7.1.5 Some employees will feel able to approach the other person on their own but others may find it more difficult in which case they could contact the following people in confidence for support:

- Line manager;
- Anti-Harassment Advisor;
- A member of the HR Business Partnering Team;
- A member of the Equality and Diversity Team;
- Trade Union representative;
- Staff networks representatives;
- Staff development.

7.1.6 Where the employee still feels unable to approach the person directly they should discuss the matter with their immediate line manager. If their line manager is the subject of the concerns, then the employee should report to the next level of line management.

7.1.7 The line manager should assess the situation and advise on the most appropriate intervention to resolve the matter. This may include:

- the line manager assisting the employee to raise their concerns with the person concerned;
- the line manager may decide to meet confidentiality with both parties, either separately or together so that there is an understanding of the behaviour, its effect and an agreed outcome on what changes are necessary;
- if the employees are in different departments, the relevant line managers may work together to try and resolve the matter – they may decide to meet with their direct reports either separately or together so that there is an understanding of the behaviour, its effect and an agreed outcome of what changes are necessary;
- using another source of support and advice (see appendix 3);
- the use of an independent mediator;
- seeking further advice, support, bespoke training, counselling or mentoring from the Human Resources Directorate.

This is not an exhaustive list and other options may be possible.

7.1.8 Line managers should keep a note of any discussions relating to the informal complaint and should monitor the situation and follow up as necessary to ensure there is no repetition of the problem.

7.1.9 In some circumstances, the line manager may conclude that a disciplinary offence has occurred and that the University's Disciplinary Policy and Procedures should be invoked. In such an event the line manager should contact their HR Business Partner for further advice.

7.1.10 It is advised that those who experience unacceptable behaviour keep a record of any incidents that occur and any attempts to address the issue, noting the dates, times and circumstances, any documentary evidence (e.g. emails) and the names of a witnesses. This will be a useful record in the event that there is a need to use formal procedures to deal with the concerns.

7.1.11 Raising concerns informally, will not preclude employees from raising a formal complaint at a later stage.

7.2 **Mediation**

7.2.1 In some cases, mediation might be helpful in resolving a dignity at work matter. Mediation is a process of dispute resolution, in which an impartial third party (mediator) facilitates a series of individual and joint meetings with the parties to identify a resolution on an informal basis. The University may suggest mediation, however both parties will need to agree to attend. All mediators will be fully trained. The University uses both internal and external mediators.

7.2.2 Further information on mediation is available from the Human Resources Directorate.

7.3 **Formal Grievance Procedures**

7.3.1 In most cases, informal measures should be sufficient to resolve concerns and stop the unacceptable behaviour. However, if the employee feels that their complaint has not been resolved or if the perceived unacceptable behaviour continues, the employee may choose to raise a formal grievance under the formal stage of the University's Grievance Policy and Procedure to seek to resolve their complaint.

7.3.2 In exceptional cases, where the matter is of such a serious nature, it may be appropriate to invoke formal procedures immediately. If you believe this may apply to your circumstances, please seek advice from the Human Resources Directorate.

7.3.3 The University's Grievance Policy and Procedure is available on the Human Resources IntraBrunel webpages. Further advice is also available from the Human Resources Directorate. Employees may also wish to discuss the formal procedure with an Anti-Harassment Advisor and/or their trade union representative.

7.3.4 Formal complaints should be submitted in writing to the Human Resources Directorate outlining:

- the person whose behavior is causing concern;

- the type of behavior including specific examples;
- dates, times and locations of incidents;
- any records kept (for example diary notes);
- details of any witnesses;
- any actions taken previously to address the concerns informally.

8. GUIDANCE FOR THOSE ACCUSED OF UNACCEPTABLE BEHAVIOUR

- 8.1 The University recognises that it can be distressing for an employee to have a complaint made against them, particularly if they do not consider their behaviour to have been unreasonable or inappropriate. However, complaints should not be ignored as everyone had the right to decide what behaviour is acceptable to them and to have their feelings respected by others.
- 8.2 If an employee is approached by a colleague and told that their behaviour is causing offence they should:
- remain calm and listen to the points made without interrupting;
 - allow their colleague to explain how they feel;
 - seek clarification if necessary the behavior causing distress or offense;
 - discuss how they might remedy the situation and work together more effectively;
 - apologise if appropriate.
- 8.3 In some cases, an employee may have offended a colleague without intending to, in which case the other employee may be willing to accept an apology and an assurance that they will be careful to avoid behaving in a way that might cause offence. Providing the employee does not repeat the behavior that has caused offence, this is likely to be the end of the matter.

9. CONCERNS INVOLVING EMPLOYEES AND STUDENTS

- 9.1 In circumstances where concerns involve employees and students, the initial process followed will be the policy that relates to the complainant (Dignity at Work for Employees and Bullying and Harrassment for Students). Any resultant action will be in line with the most appropriate procedure for that individual. Where needed, the Human Resources Directorate and Student Services Team will work together to ensure that the matter is dealt with fairly and as quickly as possible for all concerned.

10. CONFIDENTIALITY

- 10.1 Confidentiality is very important in dealing with cases of potential harassment, bullying and victimisation to protect those involved. Information relating to the matter/incident will only be divulged to relevant people with the complainants consent, including witnesses, trade union representatives and work place colleagues, on a need to know basis. The University however does have a duty of care to its staff and if HR feel an employee may be in danger may intervene. Any breach of confidentiality will be treated seriously and may result in disciplinary proceedings.

11. MONITORING

- 11.1 The University monitors dignity at work allegations that are raised with the Human Resources Directorate (including the Equality, Diversity and Inclusion Team) directly as well as those raised informally through the Anti-Harassment Advisors.
- 11.2 The Human Resources Directorate reports statistical data on dignity at work complaints in the annual Equal Opportunities and Human Resources Report.
- 11.3 Employees are also asked for their views on bullying and harassment in the workplace as part of the two-yearly employee engagement survey, the results of which are reviewed by the Executive Board, EO and HR Committee and developed into departmental action plans as necessary.

12. SUPPORT FOR SEXUAL HARASSMENT

Brunel University does not tolerate any form of sexual violence, harassment or abuse and expects all members of the University community, its visitors and contractors to treat each other with respect, dignity and consideration. Any form of sexual violence or harassment should be addressed promptly and any member of the University who feels they have been subject to violence or harassment should be supported including making a formal complaint if appropriate.

The University recognises that it takes a great deal of courage to talk about experiences of sexual assault and violence. The information that staff disclose will be treated in confidence as far as possible. Information will be shared on a need to know basis to arrange the appropriate support, of if the University assess that staff may be in danger.

The direction of support provided will be led by the employee and the University will work with you to see what the next steps will be and how the employee would like to prioritise those. We may offer you a referral to an external agency such as a sexual assault referral centre or the police, where there are specialists who can give you medical help and advice.

The University will appropriately manage contact between all parties concerned.

The University has an employee assistance programme which offers a counselling service which is free and confidential for all staff to use. There are professional trained counsellors available. Counselling is not designed to erase what has happened, but rather help the individual think about new ways to think about it, help mobilise your resources and feel more in control.

A sexual violence and sexual harassment policy is being developed by the University. Once approved section 12 of this policy may be updated accordingly.

Dignity at Work Policy (Bullying and Harassment)

Appendix One: Definitions and Examples

1. HARRASSMENT

The Equality Act 2010 defines harassment as:

“Unwanted conduct related to a protected characteristic, which has the purpose or effect of violating an individual’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment”

Harassment may be a single act or persistent behaviors and will amount to unlawful discrimination if it relates to one of the nine protected characteristics under the Equality Act:

- Age
- Disability
- Gender reassignment
- Ethnicity
- Religion/belief
- Sex
- Sexual orientation
- Pregnancy/maternity
- Marriage/Civil partnership

The University also finds harassment relating to caring responsibilities, gender identity and working status (i.e. working part time) unacceptable.

The Protection from Harassment Act 1997 also makes harassment potentially a criminal offence and gives the harassed party the right to legal redress.

Examples of behaviour which is likely to constitute harassment are:

- verbal abuse - including verbal threats, derogatory name calling, insults, ridicule or belittling of another person;
- physical assault or threat of violence
- intrusive behaviour - invasion of personal space, pestering, spying or stalking
- persistent, unwelcome contact - including text messages, emails, phone calls, gifts
- exclusion - from normal conversation in the work environment or from social events
- deliberately undermining someone - by spreading malicious lies, making insulting comments or bringing a vindictive allegation of unacceptable behaviour

- display or circulation of abusive or offensive materials on paper or electronically;
- sending offensive text messages
- using humour to put another person or group of people down e.g. telling jokes that are sexist, racist or about an individual's sexual orientation

The complainant need not possess the relevant protected characteristic themselves.

2. BULLYING

Bullying is defined by the Advisory, Conciliation and Advice Service (ACAS) as offensive, intimidating, malicious, insulting behavior and/or an abuse or misuse of power that undermines, humiliates or denigrates. This can occur from both upwards and downwards, so those in senior positions abusing their authority as well as those in junior positions behaving unacceptably.

The University regards bullying and harassment as unacceptable. It is important to note that behavior/conduct may constitute bullying and harassment despite the intentions of the person whose behavior is in question.

There is a difference between bullying and harassment and fair management. Bullying and harassment is unfair and undermines someone's efforts to perform well. Fair management allows managers to give fair and constructive feedback and set achievable targets, as well as standards of behavior in relation to their team's jobs, grades and level of responsibility. Managers should have regular 121 meetings with their employees so that feedback can be given which should be a balance of positive appraisal as well as any concerns (if there are any). This should be done fairly and constructively. A differing view or opinion to that of your manager will not necessarily constitute bullying and harassment unless the concerns raised or dealt with in an unfair way.

Freedom of speech and academic freedom are protected in law. Academic debate will not in and of itself constitute harassment. Debate should be conducted respectfully and without creating an intimidating, hostile, degrading, offensive or humiliating environment for others

Examples of behaviour which is likely to constitute bullying are:

- psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault finding of any colleague or peer
- asserting a position of superiority in an aggressive, abusive or offensive manner, including via electronic media
- preventing an individual progressing by intentionally blocking promotion or training opportunities
- preventing access to resources
- unfair allocation of work and responsibilities or setting unreasonable goals or targets in work
- abuse of power or behaviour that causes fear or distress for others
- acting unreasonably by failing and refusing to listen, reflect and take appropriate account of the position or needs of other people
- withholding work by refusing to delegate appropriately, punishing competent people by removing their responsibilities, unreasonably limiting their access to facilities, treating people in an unprofessional manner, or refusing to follow agreed and fair procedures

Cyber Bullying - Online behaviour is considered equivalent to face-to-face behaviour. Employees must not engage in any conduct online that would not be acceptable in the workplace or that is unlawful. For example, making derogatory remarks, bullying, intimidating or harassing other users, using insults or posting content that is hateful, slanderous, threatening, discriminatory or pornographic. This includes conduct that impacts on work using social media (e.g. Twitter, Facebook or personal blogs, etc.), which may have been written out of working hours or using personal equipment.

The University's IT Acceptable Use Policy provides further guidance.

3. VICTIMISATION

Employees are protected from victimisation under the Equality Act 2010. Victimisation is defined as occurring when an employee is treated unfairly because they have made or supported a complaint or raised a complaint under the Equality Act, or because they are expected of doing so.

Victimisation can be described as subjecting an employee to unfavourable treatment because in good faith they have:

- taken out court proceedings under the Equality Act, other similar legislation or they have indicated their intention to do so;
- given evidence or information in connection with the proceedings;
- participated in an investigation of a complaint, or participated in any disciplinary hearing arising from an investigation
- made an allegation that a person has harassed or unlawfully discriminated against them;
- made a relevant pay disclosure.

Dignity at Work Policy (Bullying and Harassment)

Appendix Two: Guidelines – Expected Standards of Behavior

It is difficult to define ‘unacceptable behavior as in most cases it is the effect the behavior has on the recipient that makes it unacceptable. The following can only be used as a guide to assist in understanding what may be offensive whether intentional or not. It is not an exhaustive list of all behavior that may be offensive or unacceptable, merely a guide as to the types of behavior that may be included.

Examples of appropriate and unacceptable behavioral standards:

Holding a team meeting regularly outside normal working patterns, which also can be potentially discriminatory against those with caring responsibilities for dependents - **Unacceptable**

Holding a team meeting during the normal core working hours of all workers. - **Appropriate**

Giving an individual constructive criticism about his/her work in front of colleagues - **Unacceptable**

Making an appointment with an individual to meet in private, to give constructive criticism about his/her work. - **Appropriate**

A manager sending a derogatory written response e-mail dismissing a colleague’s report or proposals. - **Unacceptable**

A manager offering a meeting to discuss a colleague’s report or proposals. - **Appropriate**

Team member using inappropriate language and/or raised voice to manager in front of peers. - **Unacceptable**

Team member asking to have a meeting with manager to express their opinion in a calm manner. – **Appropriate**

This is not an exhaustive list.

Unacceptable Non-Verbal Behaviour

- Ostracising / freezing out
- Withholding essential information, resources or training without good reason
- Setting impossible tasks
- Changing priorities or objectives unreasonably

- Unreasonable allocations of duties or work
- Isolating, excluding behavior
- Deliberate wrongful attributions of blame
- Excluding part time workers from training and development
- Racist graffiti
- Staring/Leering
- Getting too close

Unacceptable Verbal Behaviour

- Shouting
- Swearing
- Abuse
- Nicknames
- Malicious gossip
- Public reprimand / humiliation
- Belittling, patronising comments
- Persistent reminders of past failures
- Unnecessary phone call to someone's home without good reason
- Making fun of disability, using inappropriate terms, e.g. cripple, spastic, handicapped or mimicking speech impairment
- Making fun of age
- Questioning ability due to age
- Racist jokes/ ridicule
- Sexual/ explicit jokes
- Suggestive, explicit language
- Other unwanted comments or jokes regarding protected characteristics

Unacceptable Physical Behaviour

- Striking / hitting
- Grabbing a person
- Pushing / jostling
- Practical jokes
- Initiation ceremonies
- Damaging / stealing a person's property
- Hiding a disability aid
- Moving a wheelchair without asking the users permission
- Unsolicited touching of a visually impaired person
- Unnecessary touching
- Indecent exposure
- Stalking/ following

This is not an exhaustive list and each case will be taken on its own merits.

Singling out people because of their gender, gender identity, race, disability, religion or belief, age, sexual orientation, gender reassignment and responsibilities for dependents or marital status can also constitute harassment even without any specific references to gender, race etc.

Dignity at Work Policy (Bullying and Harassment)

Appendix Three: Sources of Support and Advice

Employees who feel they have been subjected to or witnessed behaviour that they consider is inappropriate have several people who they can contact for support and advice on how to resolve the situation.

Anti-Harassment Advisors

Anti-Harassment Advisors will provide confidential support to employees who wish to raise concerns about bullying and harassment. They will provide guidance on possible options. They have received training in relation to their role and are supported by the Equality, Diversity and Inclusion Manager for staff.

The contact details for the Anti-Harassment Advisors can be found [here](#).

Equality, Diversity and Inclusion (EDI) Team

The Equality, Diversity and Inclusion manager for employees works with the anti-Harassment advisors to resolve concerns informally. The team can be contacted on hr.equality@brunel.ac.uk

HR Business Partnering Team

Advice and support can be obtained from the Human Resources Business Partners attached to the Department/College. The contact details for the relevant Business Partnering team can be found [here](#).

Line Manager

Advice and support can be sought from your line manager however, if the line manager is the alleged harasser, please contact the Equality, Diversity and Inclusion Team or an Anti-Harassment Adviser.

Trade Unions

Brunel has four trade unions that can offer advice and support (you normally need to be a member of the trade union). Their details can be found [here](#).

Employee Assistance Programme

Employee Assistance Programme - this free of charge scheme gives you access to advice and professional counselling, in strict confidence, from independent, trained experts, who can help you with any personal, work or family issues, including stress, debt, bereavement, wellbeing and employee support as well as lots of other information, guidance and practical support. Our provider Carefirst is open 24 hours a day, seven days a week, throughout the year.

Call 0808 168 2143 or visit www.carefirst-lifestyle.co.uk quoting 'Brunel' as your username and 'employee' as your password.

Staff Networks

The harassment and bullying network meets termly to discuss issues in a relaxed and informal setting over lunch. To find out more please contact the Equality and Diversity team on hr.equality@brunel.ac.uk

Staff Development

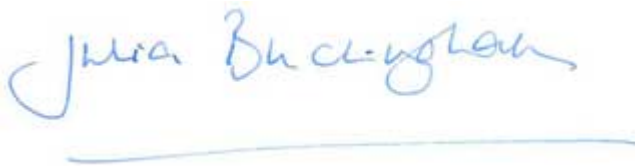
Staff development can provide training for staff in how to have appropriate informal conversations. They can provide one to one coaching and how to manage difficult conversations. They can be contacted on staff.development@brunel.ac.uk

Dignity at Work Policy (Bullying and Harassment)

Appendix Four: Dignity at Work Statement

Brunel University values inclusiveness and is dedicated to the principles of equality and diversity. As a result, the University is committed to an inclusive working, studying and living environment that is free from discrimination, intimidation and in which dignity and respect are paramount.

The University takes any issue of sexual harassment, harassment, victimisation and discrimination seriously and would not tolerate, from any member of staff, student or third party, language(s) or behavior(s) that are deemed to be offensive or / and discriminatory against its members of staff or students.



Professor Julia Buckingham
Vice-Chancellor

19th June 2019