

Dignity at Work Policy

Policy Owner	
Owner:	Head of Human Resources
Author:	Human Resources, Staff Officer
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Alternative Formats

This documentation can be made available in alternative formats such as large print, Braille, disk, audio tape or in an ethnic-minority language upon request. Requests for alternative formats can be made to the Probation Board using the following contact information:

Equality Manager
Probation Board for Northern Ireland
2nd Floor
80-90 North Street
Belfast
BT1 1LD
Telephone number: 028 90262400
Textphone: 028 90262490
E-mail: complaints@pbni.gsi.gov.uk

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1. Foreward

PBNI performs a critical role in the Justice System and is a service which is focused on quality and is respected for its professionalism. In carrying out our work PBNI staff's approach is based on our core principles and values

- Respect for human dignity
- Recognising people's capacity for change
- Victim Awareness
- Integrity and Professionalism
- Equality and Diversity
- Collaborative working

In PBNI all staff are expected to treat each other with respect whether their differences, grade level, job role or relationship. This involves positive communication, building trust, being supportive, understanding different perspectives, and working collaboratively. It is expected that managers and staff at all levels will uphold the principles of dignity at work and ensure a better working environment for all.

We must all support and encourage an environment which values all people and does not cause embarrassment, conflict of interest, harassment, alarm or distress to another employee nor discriminate unfairly or unlawfully in any grounds.

We must have an organisation where individuals feel confident enough to bring a complaint without fear or ridicule or reprisal. We must all play our part on making the organisation's policy a reality and be prepared to challenge inappropriate behaviour and take action if we observe or have evidence that someone is being harassed.

PBNI's Equal Opportunities Policy outlines our commitment to promoting a good and harmonious working environment in which all persons are treated with respect, dignity and courtesy within the workplace. Unwanted, unreasonable and offensive conduct detracts from a productive working environment and can affect health, confidence, morale and performance. Unacceptable behaviour has no place in our service and will not be tolerated.

2.0 Application of Policy

Employee – An employee is any person under a current contract of employment with PBNI, including fixed term contracts.

3.0 Rationale for the Policy

The Probation Board for Northern Ireland (PBNI) is committed to equality of opportunity and to creating and sustaining an environment where everyone is treated with respect and dignity, free from any form of inappropriate behaviour, and one in which all employees can give their best.

The PBNI recognises its role as a good employer to provide a safe working environment conducive to the delivery of high quality service to the community. A

variety of terms can be used to describe inappropriate behaviours that may impact on a person's dignity at work including harassment, bullying, victimisation and discrimination.

The Dignity at Work Policy and supporting procedure seek to establish a clear course of action which will ensure the fair, consistent and supportive treatment of individuals should a complaint be made. Individuals making a complaint under this policy and others who give evidence or information in connection with a complaint will be protected from victimisation.

The policy is broad in scope and addresses any form of unwanted, unreasonable and offensive conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Conduct shall be regarded as having this effect only if, having regard to all the circumstances and in particular the complainant's perception, it should be reasonably considered as having that effect.

At times the offensive conduct can be unintentional on the perpetrators part. However, it must be emphasised that it is the *impact of the conduct on the recipient and not the intention of the perpetrator* that is significant. Staff whose behaviour constitutes harassment, bullying, victimisation or discrimination can be liable for disciplinary action which could lead to their dismissal.

4.0 Overarching Aim

The aim of the Dignity at Work Policy and accompanying Procedure is to make staff aware of the types of behaviours that might cause offence, to highlight the sources of information and assistance which are available and the procedures for dealing with inappropriate behaviour.

PBNI has a Grievance Policy and Procedure as staff may have grievances which are not specifically related to bullying and harassment. PBNI has this separate Dignity at Work Policy and associated procedures to ensure that:

- PBNI's commitment to promoting dignity and respect at work is clearly articulated
- Staff and managers are aware of their responsibilities
- Everyone clearly understands what is acceptable, and unacceptable behaviour.

5.0 Policy Objective

To provide a framework of guidance which will allow PBNI to deal with dignity at work complaints and consider the rights and obligations of those involved.

6.0 Policy Outcome

Dignity at work complaints within the PBNI will be dealt with in a fair and consistent manner in accordance with this policy and the supporting Dignity at Work Procedure.

7.0 Policy Statement

Behaviour which results in an employee feeling demeaned, threatened, intimidated or bullied by another person is not acceptable. Complaints of harassment, bullying, victimisation or discrimination will be treated seriously and will be responded to promptly.

The PBNI recognises its obligation to deal with complaints of harassment, bullying, victimisation or discrimination in a fair and consistent manner with due regard for the rights of all concerned. The PBNI is committed to ensuring that

In the event that an informal complaint is raised that:

- The complainant and subject of the complaint are aware of what help and support is available.
- The complainant knows they can approach their line manager and that their complaint will be dealt with promptly, seriously and confidentially.
- Understands that whilst ideally the aim should be to resolve issues informally without escalating the complaint, that this does not prevent them from pursuing a formal complaint either initially or if the informal complaint is unresolved.

In the event a formal complaint is raised that:

- The complainant, subject of the complaint and any witnesses are aware of what help and support is available.
- The situation will be established quickly and complaints of harassment, bullying, victimisation or discrimination dealt with consistently.
- Each stage of the procedure will be actioned without unreasonable delay.
- Allegations will be investigated by an appropriate manager (Investigating Officer) unless they are undisputed.
- Where an investigation is carried out, an Investigating Officer will produce a written report on the findings.
- The employee raising the complaint and the employee who is the subject of the complaint will be provided with a copy of the Investigating Officer's report (unless there are valid reasons as to why it would not be appropriate in the circumstances of the case to allow full disclosure).
- At a formal meeting the employee may be accompanied by a work colleague or trade union representative.
- A Complaint will not be considered to have been raised dishonestly or maliciously because it has not been upheld following completion of the process. If it is found an individual has acted dishonestly or maliciously in raising a complaint they may be subject to disciplinary action.
- The decision will be made based on the balance of probabilities that the employee whose behaviour is being called into question did or did not act or behave in the way cited.
- Employees will be informed in writing of the outcome normally within 5 working days.
- Complainants will have the right to appeal under the Dignity at Work Procedure
- Employees whose behaviour constitutes harassment, bullying, victimisation or discrimination can be liable for disciplinary action that may result in dismissal.
- The responsibilities placed on PBNI by employment legislation will be observed.

Additionally management reserve the right to act in a proactive manner regarding instances of harassment and/or bullying, for example, management do not need to wait until an employee registers a formal complaint to take action.

8.0 Unacceptable Behaviours

8.1 Harassment

Harassment is unwanted, unreasonable and offensive conduct which has the purpose or the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, and in the perception of the recipient of the conduct, it should reasonably be considered as having that purpose or effect. Harassment is linked to aspects of a person's social identity, in other words:

- sex
- race/ethnic origin
- marital status
- religious belief
- political opinion
- age
- disability
- sexual orientation
- whether or not they have dependants
- pregnancy and maternity leave/paternity leave
- gender reassignment

8.2 Bullying

Where the unwanted conduct is not linked to a person's social identity it is often referred to as bullying. There is no legal definition of bullying. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. This behaviour can make the recipient feel upset, threatened, humiliated or vulnerable and can undermine his/her self-confidence and may cause him/her to suffer stress.

Offensive behaviour, which is persistent, should be regarded as bullying. However a one off incident which is deemed to be particularly serious can also be interpreted as bullying (for example a threat of physical violence). In terms of legal challenge a one off act is unlikely to meet the definition of bullying.

Bullying can be carried out by staff across all grades, for example, senior staff against more junior staff, by staff of the same grade as the victim(s) or by junior staff against more senior staff.

8.3 What is not bullying

Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. Isolated incidents of unreasonable behaviour such as abruptness, sharpness or rudeness whilst totally unacceptable, should not be

described as bullying. Instead these would be considered to be a breach of the wider aspect of the Dignity at Work Policy (which promotes equality of opportunity and to creating and sustaining an environment where everyone is treated with respect and dignity, free from any form of inappropriate behaviour, and one in which all employees can give their best).

8.4 Discrimination

Discrimination is unlawful when someone is treated less favourably or unfairly compared to others on the grounds of a protected characteristic, in other words their gender (or gender re-assignment), marital status, religious belief and/or political opinion, race, disability, age, pregnancy and maternity leave, sexual orientation, being a civil partner or membership or non-membership of a Trade Union.

It can be direct - when people are treated less favourably because of a protected characteristic, or indirect - when a condition or requirement is applied equally to all but which is harder for one group to meet than another or which has a disproportionate or otherwise detrimental impact on them and cannot be justified. A failure to make a reasonable adjustment for a disabled person is also a form of discrimination.

8.5 Victimization

This policy will also protect staff who make complaints of harassment, bullying or discrimination, those subject to complaints and others who give evidence or information in connection with a complaint from victimisation. Victimization occurs where a person who has made a complaint or assisted a complainant under this policy, is treated less favourably than others as a consequence.

9.0 Forms of unwanted, unreasonable and offensive conduct

The following list, while not exhaustive, provides guidance as to the common forms of unwanted, unreasonable and offensive conduct dealt with under this policy.

- Unwanted physical contact, ranging from unnecessary touching or brushing to serious assault;
- Use of verbal or physical threats or abuse, including sectarian, political, racial or sexually derogatory or stereotyped remarks and statements or offensive terminology relating to people with a disability;
- Jokes or remarks that are related to age or that have a lewd, sectarian, racist or disability content, or which contain innuendo or mockery;
- Unwanted, intrusive questioning of a person about their marital status, disability, sexual interests or orientation, age, religious belief, political opinion, race or ethnic origin;
- Coercion, including suggestions that sexual favours may further a person's career or that not providing them may adversely affect their career;
- Visual display of pornographic, sexually explicit or suggestive pictures, objects or written material (including the use of e-mail to send such material), political posters, graffiti, obscene gestures, flags, bunting, emblems and the wearing of distinctive clothing or sportswear which may be deemed offensive by others, for

example, football, GAA, rugby tops, any clothing containing lewd or offensive images/slogans;

- Isolation and/or non-co-operation at work, exclusion from work-related social activities; including use of, for example, email communication for invites to social activities but excluding specific individuals or team members.
- Use of implicit or explicit behaviour to control, influence or affect the career of another person whom they manage or over whom they exert actual or perceived authority;
- Persistent and unreasonable criticism;
- Unreasonable demands and impossible targets;
- Refusing to make reasonable adjustments to accommodate a disabled person;
- Refusing annual leave in connection with observance of religious and cultural events such as Islamic Festivals or Chinese New Year without reasonable justification.
- Cyberbullying eg incorrect or inappropriate material or comments regarding a colleague, or employee appearing on a website, social networking site, sending inappropriate text messages emails or telephone calls or the use of images of a colleague without their permission or creating images without their permission.

10.0 Work-related social events

Inappropriate behaviour such as those listed above can lead to complaints of bullying or harassment whether they occur at the workplace or at other venues during work-related events.

Tribunal cases have made it clear that work related events are considered under the law as a continuation of the workplace and that inappropriate behaviour which occurs at training courses or social events such as Christmas parties, or in the pub after work, can constitute unlawful discrimination in the same way as if it had occurred in the workplace.

11.0 Linkages

This policy also links to the following:

- Disciplinary Policy and Procedure
- Equal Opportunities Policy and Procedure
- Social Media Policy and Procedure
- Data Protection Policy

12.0 Review

This policy will be reviewed four years from approval.

Interim reviews may be prompted by feedback, and/or identified changes in practice.