

Dignity at Work

Effective From: 02 September 2016

Review Date: 01 September 2019

**NATIONAL
COLLEGE
CREATIVE
INDUSTRIES**

1 INTRODUCTION

- 1.1 All members of the Corporation and employees of the College are equally responsible for ensuring that the College work environment is free from bullying and harassment. Such behaviour will not be tolerated, and will be dealt with under the disciplinary and/or grievance procedures.
- 1.2 Any proven harassment or bullying will be regarded as misconduct or gross misconduct.
- 1.3 The Equality Act 2010 prohibits harassment related to gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. For more information see our Equal Opportunities Policy.
- 1.4 The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.
- 1.5 Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.
- 1.6 Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties including customers, and may be ordered to pay compensation by a court or employment tribunal.
- 1.7 False or irresponsible accusations will be dealt with through the disciplinary procedure, and may be viewed as gross misconduct.

2 Harassment

- 2.1 Harassment is any form of behaviour directed either against you, or by you against a colleague, which is unwelcome, intimidating, offensive, embarrassing or humiliating.
- 2.2 Harassment can be open or covert. It is the impact of the action, conduct or behaviour which is relevant, and not the motive or intent behind it. Examples of harassment include (but are not limited to):
 - 2.2.1 oral and written harassment (via letters or emails) through jokes, racist/sexist or other discriminatory remarks, offensive language, gossip, slander and threats
 - 2.2.2 unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault
 - 2.2.3 visual displays of posters, graffiti, flags or emblems, gestures or any other offensive material
 - 2.2.4 isolation or non-cooperation at work
 - 2.2.5 coercion, including pressure for sexual favours or pressure to participate in political, religious or other groups
 - 2.2.6 intrusion by pestering, spying, following etc

2.3 It is important to recognise that harassment results from any such behaviour if it is unwanted, even if it appears to be tolerated by the recipient.

3 Bullying

3.1 Bullying is any persistent behaviour, action or conduct directed either against you, or by you against a colleague, which is intimidating, offensive or abusive and which undermines your confidence and self-esteem.

3.2 A serious single incident can also constitute bullying.

3.3 Examples of bullying include (but are not limited to):

3.3.1 Verbal or physical threats of intimidation

3.3.2 Humiliating someone in front of others

3.3.3 Setting unattainable targets on a regular basis

3.3.4 Regularly isolating or excluding someone

3.3.5 Offensive or abusive personal remarks

3.4 Legitimate, constructive and fair criticism of an employee's performance do not constitute bullying.

4 Procedures

4.1 Complaints of harassment or bullying must be carefully investigated; both the rights of the alleged harasser/bully and those of the complainant must be protected.

4.2 The initial investigation will be directed at establishing the facts from both points of view. An informal investigation may be sufficient in that it allows the complainant to air the problem and make his/her views clear; but complainants are always free to initiate formal proceedings if they prefer.

5 Informal procedure

5.1 The complainant should record details of instances of harassment or bullying, showing:

5.1.1 what happened

5.1.2 what was said/done

5.1.3 dates and times

5.1.4 witnesses

5.2 This information can be discussed informally with the Line Manager, or with a member of the senior management team.

5.3 The relevant manager will agree with the individual what action will be taken, which may be:

5.3.1 the complainant making his views clear to the other employee;

5.3.2 the manager having a quiet word with the employee; or

5.3.3 mediation.

5.4 If this informal action does not resolve the situation or if it is felt by the manager or the individual that informal action is inappropriate, the complainant may move to the formal procedure.

6 Formal procedure

- 6.1 If the matter is to be dealt with formally, the complainant may use the 'investigation and decision' part of the grievance resolution procedure.
- 6.2 The manager to whom the complaint has been made will, in consultation with HR, appoint an appropriate person to undertake an investigation. Having obtained all the relevant information, the manager will consider the investigator's findings and will decide as follows:
 - 6.2.1 to take no action, in which case the notes of the investigation will be destroyed
 - 6.2.2 to take some other management action (this could involve issuing a reprimand, or obtaining a formal apology, or instituting counselling/training for the perpetrator)
 - 6.2.3 to initiate disciplinary procedures

7 Disciplinary procedure

- 7.1 If an employee is found guilty of harassment or bullying, the severity of the penalty will be consistent with the information set out in the Disciplinary policy and procedure.
- 7.2 After the outcome of any disciplinary proceedings, action will be taken to ensure that the complainant can continue to work without embarrassment or anxiety.
- 7.3 An employee who receives a warning or is dismissed for harassment or bullying may appeal against the penalty in accordance with the Disciplinary policy.
- 7.4 If the complaint is not upheld because the evidence is regarded as inconclusive, consideration will be given to managing the work of both employees involved so that they are not required to work together, always provided that this is practicable. Mediation will be considered to assist the employees to rebuild their working relationship.
- 7.5 Staff who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.

