

# Dignity at Work

## Scope and Purpose of the policy

This policy relates to all staff working for Williams Medical Supplies and all associated companies within the group. In its development the company has demonstrated a firm commitment to equality of opportunity and as such will not tolerate harassment or bullying in any form within the business. The purpose of this policy is to assist in developing a working environment in which harassment and bullying are known to be totally unacceptable behaviour that will not be tolerated at any level. In putting this policy in place it is hoped that individuals have the confidence to complain about harassment & bullying should it arise and will feel assured that it will be dealt with appropriately and fairly.

## Williams Medical Supplies commitment

Williams Medical Supplies strongly believes that every employee has the right to work in a safe, pleasant environment that encourages harmonious working relationships. The company is committed to preventing all forms of anti-social behaviour. It is the responsibility of departmental managers to ensure staff are aware of, and understand the context of, the company's Dignity at Work Policy. In addition to its commitment to Equal Opportunities, (see Staff Handbook for policy) the company has a legal obligation under the Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) & Employment Equality (Religion or Belief) December 2003 to ensure that harassment on the grounds of someone's race, sex, disability, sexual orientation or religion/belief does not take place at work. Since October 2006 this also includes 'age' discrimination. In addition the company has a duty of care towards its staff under the Health & Safety Act 1974.

Every member of staff is also personally responsible under the Race Relations Act 1976, the Sex Discrimination Act 1975 and the Protection from Harassment Act 1997. All allegations of harassment and bullying will be treated very seriously and could result in disciplinary action being taken against the perpetrator. We will take all necessary steps to ensure any member of staff raising a concern under this policy is not victimised in any way as a result.

As allegations of Harassment & Bullying are very serious, we will also treat very seriously any such allegations proven to be malicious and these are also likely to be the subject of disciplinary action.

## What is Harassment & Bullying?

Harassment & Bullying can take a variety of different forms ranging from repeatedly ignoring a fellow worker or subjecting them to unwelcome attention, to intimidation, humiliation, ridicule or offence. More extreme forms of harassment & bullying include physical threats or violence. Harassment & Bullying may consist of a single incident or a series of incidents. Behaviour that may appear trivial as a single incident, can constitute harassment or bullying when repeated, or in the context of the

manager/employee relationship. Harassment & bullying behaviour may not always be intentional, but is always unacceptable, whether intentional or not.

### **Examples of Harassment**

Williams Medical Supplies will not accept harassment in any form, whether this is harassment based on gender, race, religion, colour, ethnic origin, age, disability, political conviction, membership or non-membership of a trade union, status of ex-offenders, real or suspected infection with HIV/AIDS, marital or health status, sexual preference, bullying or willingness to challenge harassment.

Further examples of harassment & bullying are listed in more detail below; please note this list is not exhaustive.

### **The following are examples of bullying:**

- Shouting at a colleague: persistently negative attacks on a colleague's personal or professional performance; criticising a colleague in front of others
- Spreading malicious rumours/making malicious allegations
- Persistently setting objectives with impossible deadlines or unachievable tasks
- Removing and replacing areas of responsibility with menial or trivial tasks
- Undervaluing a colleague's contribution, placing unreasonable demands on and/or over monitoring a colleague's performance
- Withholding information with the intent of deliberately affecting a colleague's performance
- Excluding colleagues by talking solely to third parties to isolate another

**Line managers are responsible for ensuring that the staff reporting to them perform to an acceptable standard. Bullying does not therefore include legitimate, justifiable, appropriately conducted criticism of an employee's behaviour or job performance.**

### **The following are examples of sexual harassment:**

- Unwanted, non-accidental physical contact ranging from unnecessary touching, patting, pinching or brushing against a colleague's body, to assault and coercing sexual relations
- Unwelcome sexual advances, propositions or pressure for sexual activity; continued suggestions for social activity within or outside the workplace, after it has been made clear that such suggestions are unwelcome; offensive flirting
- Suggesting that sexual favours may further a colleague's career or refusal may hinder it, e.g. promotions, salary increases etc
- The display of pornographic or sexually suggestive pictures, objectives or written materials
- Leering, whistling or making sexually suggestive comments or gestures, innuendoes or lewd comments
- Conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex, such as derogatory or degrading abuse

or insults which are gender-related and offensive comments about appearance or dress.

**The following are examples of racial harassment:**

- Conduct that denigrates or ridicules a colleague because of his or her race, such as derogatory remarks, graffiti, jokes. Such conduct can be verbal, non-verbal or physical.
- The display or sending of offensive letters or publications; racist graffiti or threatening behaviour; being “Frozen out” of conversations; jostling or assault, or other non-accidental physical contact.
- Derogatory nicknames or racial name-calling.

**PROCEDURES:**

**WHAT TO DO IF YOU FEEL YOU ARE BEING, OR HAVE BEEN, HARASSED**

It is very often the case that individuals subjected to harassment or bullying in the work place do not report the behaviour or make any form of complaint because they feel embarrassed, they are worried that they will be victimised, or they don't want to get the other person into trouble because of the possible repercussions.

Williams Medical Supplies guarantees that all complaints will be taken seriously and investigated swiftly, and that all parties involved will be treated with respect. Victimisation experienced as a result of a member of staff raising a complaint will not be tolerated and will be treated as harassment and subject to disciplinary action. Likewise, staff shall be protected from victimisation or discrimination for assisting in an investigation.

The following is an outline of the informal and the formal procedures to be taken when dealing with harassment issues.

If you feel you are being harassed you may find it helpful to have a confidential discussion with a trained counsellor, to help you decide on how best to progress the matter further. \*A member of staff in the HR team has been trained to help you. Any contact that you have with them is **strictly confidential**. They will provide in-confidence advice and will assist in the resolution of any problems, whether through informal or formal means. Whichever means (formal or informal) you choose to deal with the issue **you should keep a record of events**.

**The Informal Procedure – Stage 1:**

If an incident happens which offends you and leads you to believe you are being harassed, you should initially attempt to resolve the problem informally, with the help if you wish it of one of the counsellors. \*Counsellors are staff recruited from a cross-section of the business who have received special training. In some cases it may be possible and sufficient to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome; that it offends you or makes you feel uncomfortable, and that it interferes with your work.

In circumstances where this is too difficult or too embarrassing for you to do on your own you should seek support from one of the \*trained counsellors, a member of the Human Resources department or a friend.

If you are in any doubt as to whether an incident, or series of incidents which have occurred to you constitute harassment, then in the first instant you should not hesitate to contact one of the counsellors for confidential advice, on an informal basis. They will be able to advise you as to whether the incident merits further action and if so how the matter may be dealt with.

Many incidents of harassment can be dealt with effectively in an informal way, as often the harasser has no idea of the effect their behaviour is having on others. Once it is drawn to their attention the behaviour ceases.

### **The Formal Procedure – Stage 2:**

- You should register a formal complaint against the alleged harasser. Your complaint should be put in writing to the Human Resource Department, outlining the nature of the complaint. \*Your counsellor or staff representative will help you to do this if you wish, but you have the right to initiate a formal complaint **without** reference to a counsellor. If your chosen counsellor is also a member of the Human Resources department you may register the formal complaint to the Director of Human Resources, to ensure fairness. Throughout the formal process your name and the name of the alleged harasser will not be divulged other than to those who are necessary to the investigation.
- The formal complaint will be treated as a disciplinary issue and will be investigated following Williams Medical Supplies disciplinary procedure.
- A timetable will be set for the investigation.
- There will be an independent investigation carried out by the Director of Human Resources, to establish the full details of what has happened. You will be interviewed, as will the alleged harasser. Separate interviews will be conducted. \*Your counsellor or representative will provide help and support during this process if you wish.
- The investigation will be thorough, impartial and objective. It will be carried out with sensitivity and with due respect for the rights of both the complainant and the alleged harasser.

The complainant and the alleged harasser will have the right to be accompanied at all interviews. The alleged harasser will be given full details of the nature of the complaint and will be given the opportunity to respond. \*They will also have access to a counsellor. The investigatory meeting will be held separately and will not be confrontational. Every effort will be made to ensure that the meeting is conducted sensitively.

Strict confidentiality will be maintained throughout the investigation into the allegation. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised. It will be explained to the witness that any breach of confidence would constitute gross misconduct under Williams Medical Supplies disciplinary rules and would itself be subject to disciplinary action.

- At the completion of the investigation a short report will be prepared summarising the details of the complaint, the results of the investigation and the conclusion. A copy will be sent to both the complainant and the alleged harasser.
- If the investigation indicates that harassment has taken place, the harasser will be subject to a disciplinary interview. Depending on the circumstances and the seriousness of the complaint an appropriate penalty will be applied.
- If you feel you have been unfairly treated during this procedure you have the right to lodge a grievance using Williams Medical Supplies grievance procedure; the last stage of which is an appeal to the company Chairman, Robin Williams.

*\* We are presently in the process of appointing counsellors and organising training. If you require further information on Staff Counsellors or would like to speak to someone about Bullying/Harassment in confidence please contact a member of the Human Resources Team.*