



Dignity at Work for Staff: Preventing bullying and harassment in Cyngor ar Bopeth Gwynedd Citizens Advice

1. Introduction

- 1.1. Cyngor ar Bopeth Gwynedd Citizens Advice (CAB Gwynedd) is committed to providing a culture in which all staff value each other and are able to work together to their full potential in an inclusive environment free from harassment, bullying and other unacceptable forms of behaviour. As an employer the CAB Gwynedd Trustee Board is committed to promoting respect and dignity for all its employees and creating an environment where unacceptable behaviour in the workplace is actively dealt with. All complaints will be taken seriously, confidentiality will be respected and victimisation of those that raise complaints will not be tolerated.
- 1.2. This policy aims to:
 - (a) define what is meant by dignity at work, unacceptable behaviour, harassment, bullying, and victimisation;
 - (b) set standards for behaviour within the bureau;
 - (c) encourage an environment where individuals feel fully supported to challenge behaviour they find unacceptable, from whatever source, with confidence and without fear of ridicule or reprisal;
 - (d) set out clearly the options for dealing with issues as quickly, effectively and as confidentially as possible;
 - (e) set out clearly the support available for all staff to access;
 - (f) encourage an environment where everyone feels responsible for challenging unacceptable behaviour and maintaining the right of individuals to be treated with dignity and respect at work.
- 1.3. This policy only applies to paid staff. It does not apply to volunteers (see separate policy on volunteers and dignity at work). Members of the CAB Gwynedd Trustee Board should raise any concerns with the Chair.
- 1.4. This policy does not apply to members of the public who should use the complaints procedure.

2. Definitions

- 2.1. The following terms are used within this policy:
 - (a) **Dignity at work** is about individuals feeling respected, valued, included and able to contribute fully in a positive environment free from bullying and harassment.

- (b) **Unacceptable behaviour** is any behaviour which an individual or group knows, or ought reasonably to know, could have the potential effect of offending, humiliating, intimidating or isolating an individual or group. If unacceptable behaviour is not challenged, it is likely to cause harm or distress to the recipient(s) and escalate into bullying or harassment.
- (c) **Harassment** is unwanted conduct related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Under the Equality Act 2010 harassment may be based on the following protected characteristics: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Employees may complain of behaviour they find offensive even if it is not directed at them, and they do not need to possess the personal characteristic themselves. Harassment may be persistent or an isolated incident.
- (d) **Bullying** is unwanted repeated and persistent negative behaviour, not necessarily based on a particular personal characteristic, which makes the recipient feel upset, threatened, humiliated, undermined or vulnerable. It is often related to an abuse of power or the use of unfair sanctions.
- (e) **Victimisation** is treating someone less favourably or harassing them because they have, in good faith, made a complaint or assisted someone else in making a complaint of harassment. The law protects individuals from victimisation because they have made or supported a complaint under the Equality Act, or because they are suspected of doing so.

2.2. See Appendix 1 for examples of behaviour that can constitute harassment, bullying and victimisation. Such behaviour by an employee may constitute gross misconduct and may therefore be grounds for disciplinary action up to and including dismissal.

3. The legal framework

3.1. As trustees of a charity, CAB Gwynedd Trustee Board is responsible for the welfare of everyone in the bureau. As an employer, the Trustee Board has a responsibility to resolve issues relating to the dignity of individuals in the workplace.

3.2. The bureau has a duty of care, and responsibilities under health and safety and discrimination legislation, to take action to prevent bullying and harassment. The law relating to this policy is as follows:

- Health and Safety at Work Act 1974.
- Criminal Justice and Public Order Act 1994.
- Protection from Harassment Act 1997.
- Management of Health and Safety at Work Regulations 1999.
- Equality Act 2010.

3.3. There is also criminal law relating to assault. Where legal requirements are contravened both the organisation and the individual may be liable to legal proceedings and risk having unlimited damages awarded against them. In addition, criminal proceedings could lead to conviction and criminal penalties.

4. Responsibilities

- 4.1. CAB Gwynedd Trustee Board members, the Chief Executive and others responsible for individuals involved in the bureau must understand the policy and accept responsibility for implementing it. It is their responsibility to:
- (a) ensure that paid staff for whom they are responsible understand the policy and the principles behind it;
 - (b) create a working environment in which dignity at work is actively promoted;
 - (c) ensure compliance even if there is no complaint e.g. removal of offensive material or challenging unacceptable behaviour even if there is no complaint;
 - (d) use the bureau's grievance procedure to deal with any formal complaint by employees of harassment or bullying brought to their attention;
 - (e) ensure that complaints are resolved as swiftly and confidentially as possible with the least disruption and the complainant and respondent have access to support before, during and after complaints are investigated;
 - (f) ensure that by their own positive behaviour they lead by example and they are sensitive to how others might perceive their behaviour;
 - (g) if possible, resolve the problem informally;
 - (h) ensure that a mechanism for monitoring and reporting the number of cases raised under the policy and the final outcomes is set up. It is recommended that reports be produced on an annual basis.
- 4.2. All staff have a responsibility to help create and maintain a positive and inclusive working environment free from bullying and harassment. All staff, at all levels of the organisation, can help to do this by:
- (a) being aware of how your own behaviour may affect others and changing it, if necessary;
 - (b) valuing and promoting equality and diversity (see the equality and diversity policy);
 - (c) welcoming and valuing others' opinions;
 - (d) supporting colleagues in achieving their tasks;
 - (e) treating others fairly, equally and with dignity and respect;
 - (f) remaining calm under pressure;
 - (g) encouraging the same level of behaviour in colleagues and making it clear to others when we find their behaviour unacceptable;
 - (h) challenging or reporting bullying or harassment, whenever it is reasonable to do so, and supporting recipients;
 - (i) if a complaint is made, not prejudging or victimising the complainant or the person the complaint is against;
 - (j) cooperating with investigations into complaints made, maintaining confidentiality.

5. Methods of resolution

Support

- 5.1. Both the complainant and the person the complaint is about should have access to support throughout the process of resolving the complaint (both the informal and formal stages). Support is available from:
- (a) their line manager;
 - (b) other managers in the bureau;
 - (c) a Trade Union representative;
 - (d) the self-organised network groups;
 - (e) external help lines e.g. www.bullyonline.org;
 - (f) ACAS;
 - (g) a work colleague.

Informal resolution

- 5.2. The aim of the dignity at work policy is to resolve complaints as quickly, effectively and fairly as possible and maintain a positive working environment. With this in mind, it is advised that, as far as possible, issues are resolved informally. This allows for issues to be dealt with quickly and helps minimise damage to working relationships. An informal discussion will often help an individual to understand the effects of their behaviour and agree to change it.
- 5.3. If the employee feels they have been bullied, harassed or is unhappy with someone's behaviour towards them, or have witnessed this happening to someone else, the employee could:
- (a) approach the individual to explain the impact of their behaviour and ask for it to stop. This could be done face to face, by phone or in writing and the employee could enlist the help of someone else such as a trade union representative.
 - (b) raise the matter with their line manager who may facilitate an informal discussion to resolve the issue, if this is deemed appropriate.
 - (c) where the line manager is involved in the complaint, the employee should speak to the Chief Executive.
- 5.4. Both parties may wish to keep a record of what has taken place, and managers (if involved) should keep a record of dates, details of the matter and the action taken.

Formal resolution

- 5.5. If the matter remains unresolved the staff member should raise a written complaint under the formal stage of the bureau's grievance procedure.

6. Review

- 6.1. This policy will be reviewed on an annual basis.

This version approved by the Executive Committee on 10 January 2017.

Appendix 1

Below are some examples of behaviour that constitute harassment, bullying and victimisation. This list is not exhaustive.

Examples of harassment – on the grounds of:

Gender (sexual harassment)

- The display of pin-ups and other sexually explicit material.
- Sexist or rude jokes, innuendo, cartoons, pictures or emails.
- Making assumptions or judgements about a colleague based on gender.
- Lewd gestures or remarks.
- Leering or suggestive looks.
- Requests for dates or sexual favours when it is clear they are unwelcome.
- Touching, groping or invasion of personal space.
- Indecent exposure or sexual assault.

Gender identity

- Transphobic jokes, cartoons, pictures or emails.
- Deliberately continuing to refer to a person who is undergoing or has undergone gender reassignment by their previous name or birth gender.
- Disclosing to a colleague or third party that someone is transgender against their wishes.
- Making transphobic insults, remarks or threats.

Race, colour, nationality, ethnic or national origin (racial harassment)

- Racist jokes, cartoons or pictures.
- Ridiculing someone's accent, colour, nationality, etc.
- Racist name-calling or graffiti.
- Making assumptions or judgements about a colleague based on race, nationality or ethnicity.
- Making racist insults or threats.
- Inciting others to racially harass someone.
- Racially motivated assault.

Disability

- The intentional use of offensive or outdated words and / or the continued use of such words after being informed that they are offensive or outdated.
- Jokes, cartoons or pictures that ridicule disabled people.
- Making fun of someone's disability.
- Deliberately making things difficult for a disabled person.
- Making assumptions about a colleague based on their disability.
- Patronising or ignoring a disabled person.

Sexual orientation

- Homophobic comments, jokes, cartoons or pictures.
- Refusing to work with someone or share facilities on the grounds of their actual or perceived sexual orientation.
- Making assumptions based on a person's sexual orientation.
- Gossip or speculation about someone's sexual orientation.
- Asking intrusive questions about someone's personal or sex life.

- Outing an individual as lesbian, gay or bisexual without their permission.
- Making homophobic insults and threats.
- Using religious belief to justify anti-gay bullying and harassment.

Religion or belief

- Inappropriate comments, jokes, cartoons or pictures about particular religions or beliefs.
- Ridiculing someone's beliefs, dress or religious customs.
- Forcing one's religion or beliefs on others.
- Refusing to work with someone on the grounds of religion or beliefs

Age

- The use of offensive words or making fun of someone's age.
- Making assumptions about someone because of their age or perceived age.
- Patronising or ignoring a person because of their age or perceived age.

Employees may complain of any of the above behaviour even if it is not directed at them if it has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment. They need not possess the personal characteristic themselves.

Examples of bullying which does not appear to be on the grounds of a protected characteristic:

- Belittling, patronising or unfairly criticising someone alone or in front of others.
- Talking about someone behind their back.
- Rudeness, shouting or swearing.
- Name-calling, gossip, malicious lies, use of sarcasm.
- Refusal of reasonable work requests.
- Undermining behaviour in front of others.
- Excessive monitoring.
- Unfair or destructive criticism.
- Exclusion from meetings / information.
- Persistently and unjustifiably ignoring views and suggestions.
- Decisions questioned / overruled unreasonably.
- Unreasonable work requests.
- Social exclusion.
- Isolating, ignoring or refusing to work with someone.
- Coercion.
- Deliberately setting someone up to fail.
- Deliberately giving someone too much or too little work.
- Threats or physical violence.

Examples of victimisation because the employee has been involved, or is suspected of being involved, in a complaint:

- Ignoring someone.
- Spreading rumours.
- Unfairly criticising someone's work.
- Deliberately trying to get someone in trouble.