# DIGNITY AT WORK POLICY

## PROMOTING DIGNITY AND RESPECT IN THE WORKPLACE

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<tr>
<th>Responsible Director</th>
<th>Director of Human Resources</th>
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<tr>
<td>Approved By</td>
<td>Area Partnership Forum</td>
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<td>Equality Assessed:</td>
<td>August 2010</td>
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We are working to ensure that no-one is treated in an unlawful and discriminatory manner in the workplace because of their age, disability, gender, gender reassignment, marriage or civil partnership, pregnancy or maternity status, race, religion or belief or sexual orientation.

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<th>Date Approved</th>
<th>August 2010</th>
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<td>Date for Review</td>
<td>August 2012</td>
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<td>Replaces</td>
<td>Former Board and Divisional Dignity At Work (Bullying and Harassment) Policies, including Clyde</td>
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<td>Other Relevant Policies</td>
<td>Grievance Policy/Procedure</td>
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# DIGNITY AT WORK POLICY

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DIGNITY AT WORK POLICY

1. POLICY STATEMENT

1.1 The purpose of this policy is to promote dignity and respect at work and to help foster a positive, dignified workplace culture. It is also written to support and help employees who may be experiencing bullying, harassment and/or victimisation. This policy is part of the response of NHS Greater Glasgow and Clyde\(^1\) (the Board) to the 2010 ‘Give Respect, Get Respect’ campaign within NHS Scotland.

1.2 The Board is committed to creating a work environment which is free of bullying, harassment and victimisation and where everyone is treated with dignity and respect. All employees have a right to work in an environment where staff are treated fairly and consistently, are kept well informed, are involved in decisions which affect them, are appropriately trained and are provided with a work environment which is safe. Together these are part of the Staff Governance Standard which is a legal obligation placed upon NHS Scotland employers.

1.3 The Board will not tolerate any form of bullying, harassment and/or victimisation between staff. This is known as a ZERO TOLERANCE approach.

1.4 All formal allegations will always be investigated and where there is a significant case to answer, disciplinary action will be taken against the perpetrator. In the most serious of cases, this can even include dismissal of the person carrying out the bullying, harassment or victimisation.

1.5 Managers have a duty of care for their staff and the right to manage the service in a reasonable manner that encourages high performance. They also have a legal responsibility to promote dignity and respect at work.

\(^1\) NHS Greater Glasgow and Clyde is the common name of Greater Glasgow Health Board

Agreed 27 August 2010 at J B Russell House Gartnavel Royal Hospital 1055 Great Western Road Glasgow G11 0XH

with the authority of NHS Greater Glasgow and Clyde Area Partnership Forum.
1.6 Individuals have a responsibility to behave in ways which foster a non-hostile working environment for themselves and their colleagues. Individual staff should be prepared to challenge inappropriate behavior when they observe it.

1.7 The highest level of confidentiality must be observed in relation to cases being dealt with under this policy. Any breach of such confidentiality may be subject to action being taken under the Board’s Disciplinary Policy and Procedure.

2. **SCOPE**

2.1 This policy applies to all employees of the Board, whether full or part-time or whether on permanent contracts or bank (as and when required) contracts.

2.2 This policy applies to conflict between members of staff within the Board and is relevant for members of staff who work alongside staff from the Board’s partner agencies - e.g. Local Authorities, elsewhere in the Care Sector and Universities. In the event of a complaint about an employee from another organisation, there will need to be close collaboration between Management/Human Resources staff from both employers. Employees can only access and be bound by the terms of their employer’s policies and not by those of an employer to whom they are not contracted to work.

3. **DEFINITIONS**

3.1 **Bullying** – bullying at work, as defined by the “Give respect, Get Respect” Guide, means harassing or socially excluding someone or negatively affecting someone’s work tasks. In order for the label ‘bullying’ to be applied to a particular activity, interaction or process, it has to occur repeatedly and regularly (e.g. weekly) and over a period of time (e.g. six months). Bullying is an escalating process in the course of which the person confronted ends up in an inferior position and becomes the target of systematic negative social acts. Bullying may also be described as offensive, intimidating, malicious or insulting behaviour. It is usually an abuse of power and authority which makes another person feel upset, threatened or humiliated. Bullying tends to have the effect of undermining...
self-confidence and can make people feel vulnerable and stressed. Bullying has no legal definition where as harassment does.

3.2 **Harassment** – describes unwanted conduct affecting the dignity of men and women in the workplace, i.e. acts which are unacceptable and demeaning to the victim. Harassment may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual. Harassment may be persistent or an isolated incident. The legal definition of harassment requires the behavior to have ‘...the purpose or effect of violating people’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.’

3.3 **Victimisation** – is punishing or treating an individual unfairly because they have either made a complaint, intend to make a complaint or are believed to have made a complaint.

4. **PROCEDURE**

4.1 Where Individual employees feel they are being bullied, harassed or victimised they should - where they feel confident in doing so - tell the person they think is bullying, harassing or victimising them to **stop** the particular behaviour/action that is causing the difficulty.

4.2 Individual employees may also consider going to their line manager and / or local trade union/professional organisation representative/steward (provided the line manager or steward is not the person they have a problem with). The line manager or steward should feel able to offer initial advice and support. The line manager should agree with the employee what should be done next.

4.3 If an individual employee believes their line manager is bullying them and not just managing performance appropriately, then the individual employee should have a discussion with the next-in-line manager.

4.4 Section 5 of this policy is presented as a flow-chart to map out how an employee can take forward allegations of bullying, harassment and
victimisation. Both parties should be encouraged to resolve matters using the informal processes set out in section 5.1. In cases where the employee/managers feel mediation may not be appropriate then there would be no prejudice to either party arising out of this decision. At this stage, employees can be offered mediation which may come from a variety of sources as approved by the Area Partnership Forum including Human Resources, Trade Unions/Professional Organisations or from a Manager with particular expertise in this field. Heads of Human Resources can provide advice as regards mediation. Every effort should be made to conclude matters as quickly as possible taking into account all relevant circumstances. It is not expected that any more than up to 6 weeks should be devoted to mediation. This may be extended with the agreement of all parties.

4.5 If the matter is not resolved through this process then the member of staff can raise a formal allegation of bullying, harassment or victimisation through the Grievance Policy and Procedure of the Board. An investigation will normally be carried out prior to any Stage 1 Grievance Hearing in recognition that a formal allegation of bullying, harassment or victimisation constitutes a special type of grievance.

4.6 The purpose of carrying out investigations is to gather all the relevant facts relating to the allegations and to do so promptly. It is expected that investigation should normally be concluded within 6 weeks. This may be extended with the agreement of both parties.

4.7 The manager, if not implicated in the allegations will be responsible for ensuring a thorough investigation into any allegation of misconduct. The manager will appoint an Investigatory Officer (who will be supported by Human Resources and an approved Trade Union/ Professional Organisation Representative/ Steward\(^2\)). Where a manager is implicated in the allegations then another manager requires to be identified to oversee the investigation. Advice from Human Resources should be sought in these circumstances.

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\(^2\) A representative/steward approved by the Area Partnership Forum of a Trade Union/Professional Organisation not directly involved.

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4.8 The Investigatory Officer will normally interview those individuals who may be able to provide information. When interviewing the principal subjects (i.e. alleged bully and person feeling bullied) and any witnesses, the following points should be adhered to:

- Individuals must be advised that the information they provide may be used as evidence should the issue proceed to a grievance and/or disciplinary hearing, that the evidence will be provided to any employee subject to a disciplinary process as a consequence of the investigation and that they may be asked to attend a hearing. A meeting may be required to elaborate on the content of statements provided.

- All individuals should be offered the opportunity to be represented and/or accompanied by their Trade Union/Professional Organisation Representative (including full-time Trade Union Officers) or accompanied by a fellow member of staff or a friend or a relative not acting in a legal capacity.

- Any questions should be clear, open and not leading the individual to a particular conclusion.

- Individuals should be asked to provide a written statement (which must be dated and signed) and advised that a copy of this may be given to the person raising the allegations(s) and anyone being investigated, or their Trade Union/Professional Organisation Representative. The individual should be given the opportunity to consult with their representative regarding the content of their statement.

4.9 As part of the investigation the employee against whom the allegations have been made should be interviewed to ensure that they are clear about the allegations/complaints that have been made against them. In these situations the following points should be considered:

- The employee must be offered the opportunity to be represented by their Trade Union/Professional Organisation Representative (including full-time Trade Union Officers) or accompanied by a fellow member of staff or a friend or a relative not acting in a legal capacity.
• The manager must advise the employee(s) of the allegations/complaints that have been made against them and that they are subject to an investigation, further indicating that dependant on the investigation they may become involved in a disciplinary hearing. The employee(s) should then be asked for their response to the allegations/complaints.

• The employee should be given the opportunity to provide a written response/statement to the allegations/complaints (which should be dated and signed) and to consult with their representative regarding the content of their written response/statement, prior to it being submitted.

• The employee must be advised of a likely timescale to conclude the investigation. The investigation should not be unnecessarily prolonged or delayed.

• The Investigatory Officer will conclude the interview by affording the employee the opportunity to present any final information pertinent to the investigation.

• Should an employee need help to understand issues or help to complete paperwork, then assistance will be provided.

4.10 The Investigatory Officer on completing the investigation will present their report at the Stage 1 Grievance Hearing held by the manager responsible as detailed in the Board’s Grievance Policy and Procedure.

4.11 It is recognised that there is a potential that the Grievance Hearing may bring the conflicting parties together in an adversarial way. In these circumstances, the manager hearing the grievance can explore in consultation with the relevant staff representatives the possibility of modifying the process to avoid this. If this should not prove to be possible, then it is the responsibility of the manager hearing the grievance to ensure that neither party to the complaint is subject to further bullying or harassment at the Hearing.

4.12 Following the Grievance Hearing, the manager will determine the way forward, and communicate this to all parties. If there is a potential
disciplinary case to answer this will be referred to an appropriate manager to take forward. Other forms of action may be required, including further training, mentoring or support from Occupational Health.

4.13 For further detail on the running of a grievance hearing and timescales involved, see section 5 of the Grievance Policy and Procedure of the Board.
5. PROCEDURAL FLOWCHARTS

5.1 Informal

Worker feels bullied/harassed by co-worker

Worker asks co-worker to stop behaviour which is causing upset (4.1)

Worker feels unable to take up issue with co-worker

Co-worker modifies behaviour

No change in co-worker’s behaviour

Worker considers taking up issue with line manager and/or trade union (4.2)

Input sought from mediator outside work area (4.4)

Manager and/or union attempt mediation (4.4)

Co-worker modifies behaviour

No change in co-worker’s behaviour

In serious cases where there are reasonable grounds to believe there has been evidence of misconduct, manager may consider immediately starting a formal investigation under the Disciplinary Policy

* Co-worker could be at the same level, more senior or more junior in the organisation.
5.2 Formal

Worker completes Grievance Notification Form and submits to next-in-line manager who has had no prior involvement in the issues (4.5)

Manager commissions Investigation (4.6 & 4.7)

Output of Investigation supplied to next-in-line manager

No evidence of bullying or harassment identified

Inconclusive – evidence neither supports nor disproves allegations. Recommendations may still made to line manager, aggrieved worker or alleged bully.

Evidence supports allegations of bullying or harassment

Stage 1 Grievance Hearing takes place

Not Upheld

Upheld – sufficient evidence of harassment

Manager takes action against the alleged bully which can include a sanction under the NHSGGC Disciplinary Policy & Procedure

Worker remains aggrieved

Consideration as to whether to proceed to final Stage 2 Grievance

END
6. COMMUNICATION PLAN

6.1 The terms of this policy will be communicated at dedicated launch events, via St@ffNet, Team Brief and through Induction of new-starts and job changers.

6.2 The policy will be hosted on the Human Resources – Policies page and within the Staff Governance pages.

7. MONITORING AND REVIEW

7.1 The application of this Policy will be monitored jointly by the Director of Human Resources and the Area Partnership Forum to ensure equitable treatment of all employees.

7.2 The Board is required by Law to gather monitoring information relating to a broad range of characteristics with regard to equality and diversity (e.g. race/ethnicity, age) for many aspects of employee relations. Employees may be asked for information relating to the above in connection with the policy. Employees do not have to give the monitoring information if they do not wish to. Any equalities monitoring information will be held separately and not used to inform any proceedings that occur in relation to this policy.

7.3 The operation of this Policy will be regularly reviewed by the Area Partnership Forum to ensure its continued effective operation and formally reviewed no later than August 2012.
APPENDIX 1 - FROM THE ‘GIVE RESPECT, GET RESPECT’ GUIDE

Dignity at Work

FACT OR FICTION

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FACT

Being respectful to everyone you meet at work will improve your workplace and the patient experience.

FICTION

Gossiping is harmless. Not true. Talking negatively about a person behind their back is a form of social exclusion. Gossip is a negative behaviour and will damage a person's reputation and professional standing.

FACT

NHS Scotland has a zero-tolerance attitude to negative behaviour. Wherever you come across confrontation, obstruction, offensive language or exclusion – you have a responsibility to speak up and put a stop to it.

FICTION

Ignoring or freezing someone out can’t do any real harm. Not true. It is a wilfully negative social act, and can have a truly intimidating effect on the person being ignored. Inclusion shows respect.

FACT

Our colleagues who experience persistent negative behaviour will often suffer severe emotional stress. It can affect their work performance, their health, trigger frequent absenteeism, even pressure a person into leaving their job. Negative behaviour damages lives.

FICTION

It doesn’t matter if I don’t get on with someone at work. Not true. Personal conflicts have a negative impact all around the workplace where they exist. You might not get on with an individual you work with, but you still need to work well with them. Respect means treating them as you’d want to be treated.
APPENDIX 2 - FROM THE ‘GIVE RESPECT, GET RESPECT’ GUIDE

Dignity at Work

HOW TO GUIDE - NETIQUETTE

Steps towards email manners

As a first principle, show respect. Never send an email you wouldn’t like to receive yourself. If you wouldn’t say something to a person face to face, then you shouldn’t write it in an email. People don’t turn off their feelings when they turn on their computer.

Check before sending

Take a few moments to proof-read before you send something! Frequent typographical errors or misspellings will distract readers and can leave a bad impression. Always use the spell checker.

Be clear and concise

Emails should be easy to understand, so avoid too much background information. If the message needs a lot of detail, perhaps email is not the best way to communicate it.

Beware of acronyms

Not everyone reading your email will be familiar with NHS jargon or even words that are local to your area. So always provide a brief description of unfamiliar terms. Never use text speak – such as, IMHO (In My Humble Opinion) or FWIW (For What It’s Worth). Acronyms can confuse.

Watch your language

Never - and that does mean never - use words that could be considered sexist, racist or ageist, or express a social viewpoint that could be regarded as insensitive, prejudiced or biased – and therefore disrespectful. Offensive language is contrary to the code of behavior.

Don’t turn a ‘flame’ into a forest fire.

A ‘flame’ is email content that takes a particularly nasty, mean-spirited tone. So, in response, never criticize the sender online. Personal attacks inhibit communication by raising everyone’s defences. Instead, email an alternative perspective.

Try to ignore others’ attempts to antagonize. If you are offended by something online, express your feelings calmly to the appropriate person - preferably by private email, not by ‘reply all’. If you feel that the behavior is not a one-off or if it falls into the realm of racism, sexism or is threatening, alert your line manager or consult a confidential contact as appropriate.
Be patient and polite

Not everyone has an equal understanding of email technology, or perhaps the topic being discussed, so there may be occasional misunderstandings. Try to resolve these quickly and with courtesy.

Don’t use ALL CAPITALS

Using capitals is the equivalent of SHOUTING on line. To emphasize, use an asterisk (*) before and after the word you want to stress. For example:

*I* said that we should all go to meeting room 1 for this discussion.

I said that we should *all* go to meeting room 1 for this discussion.

I said that we should all go to *meeting room 1* for this discussion

Be cautious with humour

It’s very common to be misunderstood when using humour or irony, some readers may not get the joke. Instead, use ‘emoticons’, the icons that express emotions. You may think them unnecessary or silly, but they have a valid purpose. In emails we cannot pick up facial expressions or tone of voice, so these icons can provide important information about your exact meaning.

The most commonly used emoticon is the ‘smiley’ … : - ) … created by typing a colon followed by a dash and a bracket. A ‘winking smiley’ is often used after someone makes a wry joke and wants to be certain that the reader ‘hears’ the ironic tone. For this simply substitute the colon for a semi-colon … ; - )

Use email responsibly

Don’t be a cyber bully. If you’ve got a concern or a grumble – do you need to include anyone else other than the person you really need to tell? Likewise if you are e-mailing tasks and there are many ‘to do’s’ involved, pick up the phone and alert people. Better still, meet them if possible. Be sure any deadlines you set are realistic.
APPENDIX 3 - FROM THE ‘GIVE RESPECT, GET RESPECT’ GUIDE

EVERYONE DESERVES RESPECT

Your colleagues, boss, staff, patients and public.
How you behave towards them matters.
Respect means treating everyone
as you’d want to be treated yourself.
There’s simply no place in NHS Scotland
for negative behaviour, confrontation or obstruction.
Unfortunately, it can surface in all sorts of ways.
Criticising colleagues to others.
Keeping someone out of the information loop.
Bombarding a person with emails.
Ganging up on someone or spreading gossip.
Victims of such behaviour often suffer deep emotional stress.
Far beyond work, it can destroy their life.
If you see it happening, don’t tolerate it - challenge it.
You’re right to speak up and nip it in the bud.
In the end, it’s all down to rights and responsibilities.
You’ve every right to be treated with respect.
And you have an equal responsibility to act with respect,
even in situations when respect isn’t being shown to you.
Mutual respect improves your working life
Mutual respect builds a dignified workplace
And that takes patient care to an altogether higher level

When you work at it, respect works.
To find out more about Dignity at Work visit
www.staffgovernance.scot.gov.uk