



Totalmobile


# Dignity at Work Policy

Chloe O'Hare

Document Version Control

	Last Modified	Last Modified By	Document Changes
0.1	DRAFT	Lyndsey Wilson	As part of a refresh for HR – new policy drafted.
1.0	1 <sup>st</sup> September 2021	Lyndsey Wilson	LIVE
1.1	6 <sup>th</sup> May 2022	Chloe O’Hare	Reviewed

**Approval**

Name	Title	Date	Version
Gillian Mahon	Chief People and Places Officer	6 <sup>th</sup> May 2022	1.1
(signature)			

# Contents

## Contents

Policy brief & purpose	3
Scope	3
Definition of Harassment	4
Forms of Harassment	5
Disciplinary Action	5
Mischievous or Vexatious complaints	6
Employees Rights	6
Victimisation	6
Confidentiality	7
Bullying	7
Employees Responsibilities	8
Managers Responsibilities	8
Employers Responsibilities	9
Training	9
Review	10
Counselling services	10
Good Practice Email Guide	10
Policies	11

## Policy brief & purpose

It is our intent to create a working environment in which every employee in Totalmobile is treated with dignity and respect in their place of work. In order to achieve this the company, management and employees must work in partnership to ensure that all forms of harassment are removed from the workplace.

Harassment can take many forms. Throughout the company, policies and procedures have been published on specific issues associated with equal opportunities. This policy and procedure builds on these and provides guidance in creating harmonious relationships within the workplace.

This policy has been developed to support the company's existing grievance, harassment, disciplinary and Network Security, Acceptable Use and Monitoring policies and should be read in conjunction with such (please refer to staff handbook).

## Scope

Totalmobile is fully committed to creating a harmonious working environment in which all employees are treated with dignity and respect, regardless of:

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

These are called 'protected characteristics'.

The aim of this policy and the accompanying complaints procedure is to ensure employees are aware of what is acceptable and unacceptable behaviour to prevent harassment, provide guidance to resolve any problems should they occur, and to prevent re-occurrence.

Harassment at work in any form in unacceptable behaviour and will not be permitted or condoned. The company takes a zero-tolerance approach to such.

Harassment is a form of discrimination and Totalmobile is opposed to all forms of unlawful and unfair discrimination. All job applicants and employees, whether full-time, part-time or temporary will be treated fairly. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. We are committed to:

- Preventing harassment in all forms of verbal and written communication (emails, messenger, texts, images, social media, circulation or display of inappropriate notes, letters, etc.)
- Welcoming diversity in the workplace and recognising the benefits it brings to Totalmobile
- Preventing any form of direct or indirect discrimination or victimisation
- Promoting equal opportunities for women and men irrespective of marital and / or civil partnership status, gender reassignment, sexual orientation and / or having dependents
- Promoting equal opportunities on the grounds of religion or political belief
- Promoting equal opportunities for people with disabilities
- Promoting equal opportunities for racial and / or ethnic minorities
- Promoting equal opportunities for people of different ages
- Complying with legal obligations under relevant legislation and associated codes of practice

## Definition of Harassment

Harassment is defined as unwanted conduct which has the purpose or effect of violating an employee's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee. Conduct shall be regarded as having such an effect only if, having regard to all the circumstances, including in particular the perception of the employee; it should reasonably be considered as having that effect.

Harassment may include any verbal or physical abuse, derogatory statements, displays or emblems, or discriminating remarks, made by one or more persons in the work environment, or in the course of work or at any work-related social gathering which are any of the following:

- Unwanted and unreciprocated
- Cause humiliation, offence, alarm or distress
- Interferes with job performance or creates an unpleasant working environment
- Trivialises people as individuals or as a group and emphasises their gender, including transgender status,
- sexual orientation, marital or civil partnership status, pregnancy / maternity and / or having dependents, religious beliefs, political opinions, race, nationality, ethnic origins, disability, race or age

Harassment is a humiliating and degrading experience. It undermines the confidence and dignity of those affected by it and can interfere with the individual's health, morale and ability to work. The relevant UK Equality legislation makes it an offence to pursue a course of conduct which amounts to harassment of a person, or which causes a person to fear that violence will be used against them.

## Forms of Harassment

Harassment takes many forms. It can range from extreme forms such as violence and bullying to less obvious actions like ignoring someone at work. The following list, though not exhaustive gives some examples of harassment:

- Physical contact ranging from touching to serious assault
- Verbal harassment through jokes, discriminatory remarks, offensive language, gossip and slander,
- sectarian songs, threats etc.
- Written harassment through \*emails, messenger, texts, images, social media, circulation or display of
- inappropriate notes, letters, etc. \*Please refer to the appendix for a good practice guide on email
- Abusive phone calls to someone, either within or outside the workplace
- Visual displays of posters, graffiti, obscene gestures, flags, bunting, photographs, emblems, screen
- savers or any other offensive images or materials
- Isolation or non-co-operation at work, exclusion from workplace social activities
- Coercion ranging from for example, pressure for sexual favours to pressure to participate in / refrain
- from political or religious activities
- Intrusion by pestering, spying, leering, stalking etc.
- Conduct of a sexual nature or conduct related to a person's sex
- Obstructing someone in the reasonable discharge of their duties

## Disciplinary Action

Intimidation or harassment in any form is unacceptable behaviour. Harassment on the grounds of religion, politics, race, ethnic origin, nationality, gender including gender reassignment, sexual orientation, disability, age, marital or civil partnership status or dependent status constitutes unlawful discrimination under the following legislation:

- The Sex Discrimination (NI) Order 1976
- The fair Employment and Treatment (NI) Order 1998
- The Disability Discrimination Act 1995
- The Race Relations (NI) Order 1997
- The Employment Equality (Sexual Orientation) Regulations (NI) 2003
- The Employment Equality (Age) Regulations (NI) 2006 (as amended)

Causing alarm or distress may constitute harassment and under the Protection from Harassment (NI) Order 1997, can be a criminal or civil offence.

Totalmobile will treat such actions very seriously and employees involved in such activities may find themselves subject to gross misconduct charge and liable to dismissal.

Employees whose general behaviour can lead to or cause distress to others will be treated equally seriously in line with the company disciplinary policy (please refer to staff handbook).

## Mischievous or Vexatious Complaints

Submitting a mischievous or vexatious complaint (e.g. making a complaint which you know to be false) may result in disciplinary action. Whilst this should not deter an employee from submitting a complaint where they feel they have genuine reason to do so, employees should ensure that the matter being complained about is within the concept of the policy.

## Employees Rights

All employees have the right to work in an environment which is free from any form of harassment. Totalmobile fully recognise the right of employees to complain about harassment should it occur and such complaints will be dealt with seriously, promptly and in so far as practicable, confidentially. The procedure for dealing with complaints is dealt with in the company disciplinary procedure (please refer to staff handbook).

This procedure does not replace or detract from the rights of employees to pursue their statutory rights to a Tribunal. Complaints may also be pursued through the Civil Courts. Employees raising complaints through Totalmobile's harassment procedure should be aware of their statutory rights to a Tribunal and the appropriate time limits. A complaint must be lodged within 3 months from the date of the alleged act of sex, disability or racial discrimination. For religious or political discrimination, a complaint must be lodged within 3 months from the date when the person first knew, or might reasonably be expected to have known of the act of discrimination, or within 6 months from the date the act occurred, whichever is the earlier.

## Victimisation

Victimisation is a particular form of discrimination and harassment and occurs where an individual is treated less favourably than other persons because they have brought proceedings under the equality statutes, made a complaint of discrimination or harassment, given evidence as a witness in relation to a complaint or a legal claim or if they are treated adversely in any way as a result of making or giving evidence in relation to a complaint or legal claim under the equality legislation.

Every effort will be made to ensure that employees making complaints and others who give evidence or information in connection with the complaint will not be victimised. Any complaint of victimisation will be dealt with promptly, seriously and as confidentially as reasonably possible.

Proven victimisation will result in disciplinary action and may warrant dismissal. It should be

noted that even if a complaint is not upheld, subsequent discriminatory treatment of the complainant could constitute victimisation.

## Confidentiality

It is company policy that any complaints handled under the Dignity at Work process will be treated as confidential. Employees involved in this process are required to keep any information confidential both during and following the investigation. Information provided by those interviewed during the process will be treated in confidence and may be used if necessary in a subsequent disciplinary hearing.

This information will be retained in accordance with data protection principals. In the event of there being disciplinary action or legal proceedings following an investigation, information gathered in the course of the investigation will be made available as necessary to relevant parties.

## Bullying

Bullying is a specific form of harassment and may be targeted at an individual or group because of some specific characteristic which falls outside the statutory protection such as their:

- Status in the company: this may be from an individual with authority to employees who report to them or vice-versa
- Appearance
- Manner
- Popularity
- Expertise, success, qualifications, efficiency or achievement
- Social background
- Vulnerability
- Association with others

Individuals have a remedy under the law for the effects of bullying and bullies can, in certain circumstances be prosecuted for the effects of their behaviours on others.

In any working environment it is inevitable that from time to time there will be differences of opinion and arguments. This does not necessarily constitute harassment but when the exchange becomes personal, offensive or abusive it can constitute harassment.

Everyone is responsible for preventing harassment including all levels of management and staff.



## Employees Responsibilities

Every employee has a responsibility to help ensure a working environment in which the dignity of other employees is respected. Everyone must comply with this policy and employees should ensure that their behaviour towards colleagues does not cause offence and could not in any way be considered to be harassment.

Employees should discourage harassment by making it clear that they find such behaviours unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint.

They should alert a Manager, Team Leader or Human Resources to any incident of harassment so that the matter can be dealt with promptly.

Employees should be aware of the serious and genuine problems which harassment can cause.

## Managers Responsibilities

Managers at all levels (including Team Leaders) have responsibility so far as is practicable for:

- Making themselves familiar with this policy and associated procedures
- Explaining the policy to employees and taking steps to positively promote it
- Being responsive and supportive to employees who complain of harassment
- Providing full and clear advice on the procedure to be adopted
- Maintaining confidentiality in all cases
- Ensuring that employees know how to raise harassment complaints
- Dealing with any complaints fairly, thoroughly and confidentially, respecting the rights of all parties
- Setting a good example by treating all employees with dignity and respect
- Being alert to and correcting unacceptable behaviour
- Ensuring that harassment does not occur in the workplace for which they are responsible
- Remembering that the impact of the behaviour determines harassment and not the Intent

## Employers Responsibilities

Totalmobile as an employer has a duty to protect the health of its employees and to treat them fairly and reasonably.

## Training

Training will be provided to ensure that all levels of management understand and can implement this policy and effectively inform other employees of its existence and operation. A copy of this policy will be issued to all existing and new employees and subsequently following policy review if changes are made. Harassment awareness training will be rolled out periodically to all staff through the Legal Island eHarassment module. Further training may also be provided to individuals as the outcome of an investigation.

## Review

Totalmobile through the Director of Human Resources will monitor the incidents of formal complaints under the policy. Monitoring information and the effectiveness of this policy and procedures for dealing with harassment will be reviewed annually.

## Counselling services

Employees should be aware that there is a free 24/7 confidential professional counselling service available through SimplyHealth to provide support to employees when needed. Speak to Human Resources for details.

## Good Practice Email Guide

This good practice guide is designed to ensure that Totalmobile and its employees do not send email that will cause offence or be exposed to litigation for improper use of email. This guide also applies to all forms of electronic communication such as instant messaging clients or the use of social media.

### **SENDING EMAIL**

You should be aware that a message, once sent, cannot be retrieved or amended. It is therefore good practice to pause for a brief second to review the structure, spelling and wording of the message and ask yourself what your reaction would be if you received it, before finally committing to send it.

### **TONE & CONTENT**

The company's policy and the law on matters of harassment, defamation etc. apply with the same force to email as they do to other forms of communication. Care must be taken to avoid any form of wording in an email message which could cause offence.

Email does not provide any of the normal moderating features of interpersonal communications such as a smile, tone of voice or body language and it is very easy for offence to be given without intention. Email messages should be composed in neutral language and care is needed to avoid any words or construction which could be construed as bullying or harassment by the recipient.

Messages should not contain passages which are set out in capitals as this may well be

interpreted by the recipient as SHOUTING.

### **RECEIVING & REPLYING TO EMAIL**

If a message is received which appears to be unreasonable or inappropriate, always pause and reflect before making a reply. The 'reply all' function should be used with caution.

If a message is received which is grossly offensive, or completely out of character with the name of the sender given, bear in mind that forging an email address is not difficult and the message may be the work of a prankster.

### **WHAT IF THINGS GO WRONG**

If an email message is received which is grossly offensive or includes any element of bullying or harassment, then the matter should be dealt with in line with the company's Dignity at Work Policy

## **Policies**

All employees, regardless of location or status, are obliged to be aware of and follow all the established policies and procedures which have been created and implemented by Totalmobile.