

DIGNITY AT WORK CODE OF PRACTICE

1.0 Introduction

- 1.1 The University of Leicester is a diverse community, made up of people who choose to work, study and visit here. The University values the diversity of this community because it believes this enriches employment, research, studying and learning experiences.
- 1.2 The University of Leicester wishes to establish a working environment free of harassment and bullying, where everyone is treated with dignity and respect. All members of the University community have the right to expect professional behaviour from others, and have a corresponding responsibility to behave professionally towards others.

2.0 Aims

The aims of the Dignity at Work Code of Practice are:

- 2.1 To ensure that all members of University staff are treated with dignity, and to promote an environment where there is respect for one another's integrity.
- 2.2 To advance equality of opportunity, eliminate unlawful discrimination and foster good relations between people from different groups.
- 2.3 To outline procedures to be followed if an employee at the University feels they are being harassed or bullied.

3.0 Scope

- 3.1 The Dignity at Work Code of Practice applies to employees and workers of the University.
- 3.2 These principles cover bullying and harassment in the University and in any work related setting outside the University eg at conferences and training courses, or work-related social activities.

4.0 Promoting Dignity and Respect

- 4.1 All members of the University community are responsible for helping to promote a culture based on dignity and respect.
- 4.2 In order to give effect to the Code of Practice there is a positive duty on:

- all members of staff to comply, and to ensure that colleagues are treated with respect and dignity;
- Heads of Departments, Managers and Supervisors to take such corrective action as is necessary to ensure compliance.

5.0 Principles

5.1 The University will operate the Dignity at Work Code of Practice, in line with the requirements of the Equality Act 2010 and its own Grievance Ordinance.

5.2 The Equality Act 2010 specifies nine protected characteristics set out below:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

5.3 The University will not tolerate victimisation of a person for making an allegation of bullying and harassment in good faith, nor supporting someone to make such a complaint.

5.4 The University regards bullying and harassment as a serious matter. Where allegations are upheld, after due investigation and hearing, the Disciplinary Ordinance may be initiated. In addition to any penalty imposed by the University, those responsible for harassing others may be subject to criminal and/or civil proceedings.

6.0 Definitions

The definitions and examples of bullying and harassment given below are to help staff understand what may constitute unacceptable behaviour in the University. They are also intended to help everyone recognise if they, or a colleague, are being bullied or harassed and to give them the confidence to raise the issue as appropriate.

6.1 Definition of Bullying

Bullying is defined as “offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power through means that undermine, humiliate, denigrate or injure

the recipient” (*ACAS 2013 Bullying and Harassment at Work: A Guide for managers and employers*).

Bullying is offensive and it undermines the confidence and self-esteem of the recipient. Bullying is identified not only by what has actually been done but by the effect that it has on the recipient. Such behaviour makes the recipient feel threatened, undermined, humiliated or vulnerable, and may cause them to be demotivated, suffer stress-related illness or even resign from work.

Some examples of bullying behaviour identified in the ACAS Guide cited above are:

- Verbal, written or physical threats and intimidation
- Ridiculing, demeaning or undermining others, either directly or indirectly
- Offensive or abusive personal remarks
- Spreading rumours or gossip
- Playing practical jokes on someone
- Ostracising someone and excluding them from work-related or social activities
- Making threats or comments about job security without foundation
- Preventing individuals progressing by intentionally blocking promotion and training opportunities
- Deliberately undermining a competent worker by overloading and constant criticism

6.2 Definition of Harassment

Harassment is defined as “unwanted physical, verbal or non-verbal conduct, related to a relevant protected characteristic, which has the purpose or effect of, violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.” (*Equality Act 2010*).

“All forms of repeated harassment are unlawful, even if they are not related to a protected characteristic.” (*Protection from Harassment Act 1997*).

The defining feature of harassment is that the behaviour is offensive or intimidating to, and unwanted by, the recipient, and would be regarded as harassment by any reasonable person. It is an important principle that harassment, within the bounds of reasonableness, is defined by the fact that it is regarded as unwanted by the recipient even though that may not have been the intent of the perpetrator. Harassment can be an isolated act or it can take the form of repeated behaviour against an individual or a group. A single incident may be serious enough to constitute harassment and justify a complaint. It is important to remember that even though the conduct may only be unwanted or

offensive to one individual it can still amount to harassment. Some examples of harassment are set out in Appendix 1.

- 6.3 Bullying and harassment is not necessarily face to face, it may occur through written communications, visual images, email, telephone or social media.
- 6.4 The University endorses the principle of freedom of speech and expression within the law. It also has regard to the need to ensure that academic staff have freedom within the law to question and test received wisdom, and put forward new ideas and controversial or unpopular opinions. Views that are lawfully held or expressed by staff should not be confused with, or regarded as, harassment. However, members of staff should ensure that their views and subsequent discussions do not degenerate into offensive and unacceptable behaviour.

7.0 Managing Staff

- 7.1 It must be recognised that those in positions of authority have both a right and responsibility to discharge managerial duties.
- 7.2 Managers are responsible for ensuring that staff who report to them perform to the expected standard, that targets are met and work needs are fulfilled.
- 7.3 Managers may need to set demanding objectives. In doing so, they will set demanding but fair and achievable targets appropriate to someone's job, grade and level of responsibility. Where these are not met, managers may need to challenge or review performance.
- 7.4 Legitimate and appropriate monitoring of a staff member's behaviour or job performance does not, therefore, constitute bullying or harassment.
- 7.5 It is in the interest of the University that managers should be able to carry out their duties without threat of ill-intentioned, malicious, vexatious or frivolous complaints.

8.0 Options for Resolution – Staff

- 8.1 There are a range of measures that an individual may take to deal with bullying and harassment, from simply indicating that the behaviour is unacceptable, through to making a formal complaint.
- 8.2 If a member of staff thinks they are being bullied or harassed, they are encouraged to resolve matters informally, where appropriate. An individual may be unaware that their

behaviour is unwelcome or upsetting. The member of staff may feel able to approach the individual themselves and explain to the individual what behaviour they find offensive and unwelcome, and say that they would like it to stop immediately. Alternatively, staff can contact the Counselling and Wellbeing Service to discuss the appropriateness of informal mediation.

- 8.3 If an informal approach does not resolve matters, or the individual thinks the situation is too serious to be dealt with informally, they can make a formal complaint using the University's Grievance Ordinance.
- 8.4 When reported, complaints of bullying and harassment will be listened to fairly and impartially. They will be dealt with sensitively and in line with grievance procedures. It is important that individuals bring forward complaints at the earliest opportunity, and within a reasonable time frame, in order that a timely and thorough investigation of the circumstances can be made.

Malicious, Vexatious or Frivolous Complaints:

- 8.5 Staff will be protected from victimisation and less favourable treatment where a genuine complaint has been made.
- 8.6 Where, after a grievance investigation or hearing, a formal complaint is found to be based on allegation(s) made maliciously, vexatiously or frivolously, and/or on knowingly false information, the complainant may be subject to action under the Discipline Ordinance.
- 8.7 The definitions set out below are to help staff understand the terms frivolous, vexatious and malicious:

Frivolous: A frivolous complaint includes complaints that any reasonable person would regard as trivial. It is recognised that determining what a trivial matter is can be subjective, and the University would use careful judgement if applying this criteria. Decisions as to whether a complaint is frivolous, vexatious or malicious will be taken by the Registrar for student complaints, and by the Director of Human Resources for staff complaints. In each case, the examples given do not constitute an exhaustive list.

Examples include:

- Focussing on a trivial matter to an extent which is out of all proportion to its significance and continuing to focus on this point.

- Making a formal complaint that, even if true, is so trivial that no reasonable person would think it worth pursuing formally, and if it had been raised informally, could probably have been resolved.

Vexatious: A vexatious complaint includes complaints that are grossly unreasonable, or frivolous complaints that are repeatedly made, or fall into one of these categories:

- Changing the substance of a complaint, or continually raising new issues, or seeking to prolong contact by continually raising further concerns or questions upon receipt of a response. (New issues, which are significantly different from the original complaint, would be addressed as a separate complaint).
- Harassing, or being abusive or verbally aggressive, on more than one occasion, towards staff dealing with their complaint, may render a complaint vexatious. (The University recognises that complainants may sometimes act out of character at times of stress, anxiety, or distress and will make reasonable allowances for this, but will not tolerate harassment).
- Repeating the same complaint, whether frivolous or not, when it has already been the subject of the complaints process.

Malicious: A malicious complaint is one where the complainant knows that there are no reasonable grounds for the complaint, for example:

- Deliberately intending to deceive or mislead the investigation of a complaint.
- Making the complaint for an ulterior motive.

Please note that these lists are not exhaustive.

9.0 Options for Resolution – Contractors

9.1 Where a contractor at the University of Leicester experiences any behaviour from a member of the University community that makes them uncomfortable, worried, or is considered inappropriate, they should contact the relevant project manager or maintenance manager. The Division of Human Resources can be contacted for further advice.

10.0 Options for Resolution – Visitors

10.1 Where a visitor to the University of Leicester experiences any behaviour from a member of the University community that makes them uncomfortable, worried, or is considered

inappropriate, they should speak to their named contact. The Division of Human Resources can be contacted for further advice.

11.0 Sources of Support

11.1 A member of the University community who wishes to discuss any aspect of this Code of Practice can obtain further support as follows:

Internal

- a) Counselling and Wellbeing
Telephone: (0116) 223 1702
Email: staffcounselling@le.ac.uk

- b) Departmental Equal Opportunities Representatives
For an up to date contact list, please see:
<http://www2.le.ac.uk/offices/equalities-unit/equalities-resources/equaloppsectee?searchterm=Departmental%20equality>

- c) Equalities Unit
Telephone: (0116) 252 2747/3334
Email: equalities@le.ac.uk

- d) Human Resources
Telephone: (0116) 252 2439
Email: hradvice@le.ac.uk

- e) Student Union Contacts
Telephone: (0116) 223 1132
Email: educationunit@le.ac.uk

- f) Trade Unions
 - University and College Union (UCU)
Email: ucu@le.ac.uk
 - Unite
Email: unite@le.ac.uk
 - Unison
Email: unison@le.ac.uk

External

- a) Equality and Human Rights Commission
Website: www.equalityhumanrights.com
Telephone: (0808) 800 0082

- b) Leicestershire Constabulary
Website: www.leics/police.uk
Telephone: (0116) 222 2222

- c) Leicester LGBT Centre
Website: www.leicesterlgbtcentre.org.uk
Telephone: (0116) 254 7412

- d) National Bullying Helpline
Website: www.nationalbullyinghelpline.co.uk
Telephone: (0845) 225 5787

- e) Samaritans (24 Hour Service)
Website: www.samaritans.org.uk
Telephone: (0116) 270 0007

- f) SKILL (National Bureau for Students with Disabilities)
Website: www.skill.org.uk
Telephone: (020) 7450 0620

- g) Stonewall (Lesbian, Gay and Bisexual Charity)
Website: www.stonewall.org.uk
Telephone: (0800) 050 2020

Appendix 1 – Definition of Terms

Sexual Harassment

Sexual harassment is unwanted conduct of a sexual nature, or conduct based on sex, which is offensive to the recipient. It can be physical, verbal or non-verbal in nature, and can occur between members of the same or opposite sex. It is for each individual to determine what behaviour is acceptable to them and what they regard as offensive. However, any behaviour that could make the recipient feel that s/he is viewed as a sexual object may cause offence even if offence was not intended. Some examples of sexual harassment are:

- Unwelcome advances, attention, invitations or propositions.
- Offensive or unwelcome sexist comments or behaviour.
- Unwanted or derogatory comments about dress or appearance.
- Electronic display, or the transmission of, pornographic or indecent materials.
- Display of offensive drawings, photographs or pornographic materials.
- Unnecessary and unwanted physical contact, ranging from touching against another employee's body, to assault or coercing sexual relations.
- Making unwelcome comments, jokes, pranks or gestures emphasising the gender of an individual or a group that are of a sexual nature.
- Threats of academic failure or promises of promotion or training in exchange for sexual favours.

Serious criminal behaviour such as indecent exposure, indecent or sexual assault or rape are extreme examples of sexual harassment.

Racial Harassment

Racial harassment may be defined as any hostile or offensive act or expression by a person or group against another person or group, based on their race, colour, ethnic origin, cultural differences or nationality. Incitement to commit such an act will also be viewed as racial harassment. Some examples of racial harassment are given below:

- Derogatory name-calling, insults, banter, taunts and racist jokes.
- Verbal abuse or threats.
- The display of racist graffiti or images.
- The transmission of racially offensive materials or statements via electronic or other means.
- Physical attack.
- Ridicule of an individual for cultural differences.
- Unnecessary comments or intrusive questioning about racial issues or racial origin.
- Open hostility, avoiding/refusing to work with an individual from a different racial group.
- Unreasonable allocation of work.

Disability Harassment

Disability harassment is behaviour which makes direct or indirect insulting and offensive references to a person's disability. Such behaviour includes the following:

- Mockery, taunts or jokes regarding personal attributes.
- Offensive language or derogatory name-calling.
- Avoidance or refusal to work alongside a disabled person.
- Speaking to others rather than to the disabled person directly.
- Unwelcome discussion of the effects of disability on the individual's personal life.
- Excluding the disabled person from social events or meetings.
- Physical abuse or intimidation.
- Interfering with personal aids or equipment.
- Assumption about a person's ability to carry out certain types of work based on their disability.

Harassment relating to Sexual Orientation

Harassment on the grounds of sexual orientation can be hostile or offensive acts or expressions by a person or group against another person or group because of their sexuality. Examples of such behaviour include the following:

- Homophobic and biphobic remarks, jokes, innuendo or gossip.
- Threats of disclosing the sexuality of the individual.
- Expressing or acting on stereotypical assumptions.
- Display, or transmission, of (including by electronic means) offensive materials.
- The asking of intimate questions about a person's personal or sexual life.
- Excluding people because of their sexual orientation.
- Offensive actions and physical attack.

Religious or Belief Harassment

Religious or Belief harassment may be defined as any hostile or offensive act or expression by a person or group against another person or group, based on their religion or religious belief.

Religious or Belief harassment may include the following:

- Ridicule and religious jokes.
- Derogatory remarks or name calling.
- Exclusion from social activities without justification.
- Display of or transmission (including by electronic means) of offensive materials.
- Physical attack.

Age Harassment

Harassment on the grounds of age consists of conduct that violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment by a person or group against another person or group in relation to chronological age. It is recognised that younger or older workers may be harassed or bullied on account of their age. Examples of such behaviour may include:

- Ageist remarks, jokes.
- Negative comments generalising about the age-group of the individual.
- Physical abuse.
- Display of offensive materials.

Harassment Relating to Trans-sexuality or Gender Reassignment

Harassment on the grounds of trans-sexuality or gender reassignment can be hostile or offensive acts, or expressions, by a person or group against another person or group that is transsexual, trans-gender or a person that intends to undergo, is undergoing or has undergone gender reassignment. Examples of such behaviour include the following:

- Derogatory remarks, jokes, innuendo or gossip.
- Threats of disclosing the trans-sexuality/gender reassignment of the individual.
- Expressing or acting on stereotypical assumptions.
- Exclusion of trans-sexuals/gender reassigned from facilities.
- Display, or electronic transmission, of offensive materials.

Other Forms of Harassment

There are other forms of harassment which do not constitute harassment on the above grounds but, nevertheless, can seriously affect the wellbeing of colleagues if they occur. Examples of such behaviour include:

- Intrusion into the individual's personal life by pestering, spying or stalking.
- Persistent pressures to become involved in anti-social or criminal behaviour.
- Persistent intimidating behaviour based on the individual's membership or non-membership of a trade union.
- Persistent intimidating behaviour based on an individual's marital status.