
Dignity at Work Policy

1. Introduction

As part of its overall commitment to equality of opportunity GRAHAM Asset Management aims to promote a good and harmonious working environment where every individual is treated with respect and dignity. The aim of this policy, which has the full support of Senior Management, is to promote dignity at work and to prevent harassment and bullying by communicating the type of behaviour that is not acceptable in the workplace and the action that will be taken should harassment or bullying occur. Every employee, client, customer, contractor or visitor to our Company has the right to be treated with dignity and respect. Harassment and bullying whether on grounds of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation, pregnancy and maternity, or other reasons are unacceptable behaviours that are not tolerated by the Company.

The Company will not tolerate retaliation against or victimisation of any employee involved in the bringing of a complaint of harassment or bullying under this policy. Such retaliation will constitute a disciplinary offence and may lead to dismissal.

Appropriate disciplinary action, which may include dismissal, will be taken against any employee, of whatever seniority, who contravenes this policy.

What is Harassment?

Harassment is verbal, non verbal or physical conduct which is:

- of a sexual nature or on grounds of a person's gender, civil status, family status, sexual orientation, religious belief, age, disability, race, or membership of the traveller community; and
- is unwanted; and
- has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Harassment also means less favourable treatment because he/she has rejected or submitted to the type of conduct outlined above.

The following, though not an exhaustive list, may constitute harassment and are behaviours prohibited by this policy:

- verbal abuse or offensive jokes or pranks related to a person's gender, civil status, family status, sexual orientation, religious belief, age, disability, race, membership of the traveller community etc;
- lewd or suggestive comments; requests for sexual favors or repeated requests for dates.
- unnecessary body contact;
- threatened or actual assault or violence;
- deliberate exclusion from conversations or work activities on the basis of gender, civil status, family status, sexual orientation, religious belief, age, disability, race, membership of the traveller community etc;
- display of 'pin-ups', pornography, inflammatory or abusive literature or graffiti;
- using e-mail or the Internet for the purpose of bullying or making abusive or offensive remarks related to a person's characteristics such as their race, gender, disability, sexual orientation, religion, etc or to send pornography or inflammatory literature;
- displaying prejudicial or offensive pictures, flags/emblems, graffiti or other material on grounds of related to gender, civil status, family status, sexual orientation, religious belief, age, disability, race, or membership of the traveller community etc.

This list is not exhaustive. Some forms of harassment constitute gross misconduct depending on the circumstances of the case.

Employees should also be aware that as well as committing a disciplinary offence, an individual found by an employment tribunal to have harassed a fellow employee on grounds of gender, civil status, family status, sexual orientation, religious belief, age, disability, race, or membership of the traveller community may be liable to personally compensate the victim. In addition to this, criminal offences may be taken and the individual could face imprisonment or a fine.

What is Bullying?

Bullying is persistent behaviour directed against an individual or a group of individuals which

Workplace bullying is:

- repeated inappropriate behaviour towards someone at the place of work and/or in the course of employment which could be reasonably regarded as undermining the individual's right to dignity at work.
- The behaviour may be direct or indirect, and can be verbal, physical or otherwise.

An isolated incident of the behaviour described in this definition may be an affront to dignity at work, but, as a once off incident, is not considered to be bullying.

Bullying can take many forms. Examples prohibited by this policy include:

- insults or verbal abuse, insulting, aggressive or obscene language;
- exclusion with negative consequences;
- intimidation, aggression, physical abuse, threatening behaviour,;
- abusing power, using unfair penal sanctions, or blaming a person for something beyond their control;
- being treated less favourably than colleagues in similar roles;
- inappropriate gestures, practical jokes, initiation ceremonies or birthday rituals;
- personal insults and name-calling, oral or written slurs,
- persistent unjustified criticism or sarcasm
- belittling a person's opinion;
- unfair delegation of duties and responsibilities, repeatedly manipulating job content and targets, or setting impossible deadlines;
- unnecessary work interference or excessive monitoring of work;
- rifling through, hiding or damaging personal property;
- ostracising, isolating or excluding colleagues at work or from work events or social activities;
- withholding information necessary for proper performance of a person's job;
- continuously refusing reasonable requests without good reasons;
- intrusion – pestering, spying or stalking;
- other menacing behaviour.

This is not an exhaustive list, and we reserve the right to take action against these and other inappropriate behaviours.

Bullying does not include:

- expressing differences of opinion strongly;
- offering constructive feedback, guidance, or advice about work-related behaviour which is not welcome;
- ordinary performance management including appropriately conducted criticism of an employee's behaviour or job performance by management;
- reasonable corrective action;
- disagreeing or not accepting another's point of view.

This list is not exhaustive.

When can bullying or harassment occur?

An employee can be bullied or harassed by a colleague or subordinate as well as by a manager or supervisor. An employee can also be bullied or harassed by non-employees (including clients, customers, sub-contractors, and business contacts.)

An employee can be bullied or harassed at work and also, through their connection with work, outside working hours and/or outside the workplace (including at work-related social events.) The Company will not tolerate bullying or harassment whatever the perpetrator's status, and wherever it occurs.

It is important to recognise that what one person may find acceptable, another may find totally unacceptable and that the essence of harassment and bullying is that the words or behaviour are unwelcome to the particular person who is the target of the words or behaviour. All employees must treat their colleagues with respect and appropriate sensitivity.

RESPONSIBILITIES

Managing Director

Overall responsibility for the implementation of this policy and procedure rests with the Managing Director, and day to day responsibility has been allocated to the Human Resources Manager.

The Company commits to ensuring that adequate resources are made available to promote respect and dignity in the workplace and to dealing effectively with complaints of harassment or bullying. This policy and procedure for dealing with complaints will be communicated to all employees and others who work for the Company i.e. agency workers. The Company will ensure that all employees and managers/ supervisors are aware of their responsibilities. Dignity at work awareness training will be provided for those who have responsibility for implementing this policy and associated procedures. The Company will ensure that all complaints of harassment or bullying will be dealt with promptly, seriously and confidentially.

Managers / Supervisors

In addition to their responsibilities as employees, managers and supervisors have particular responsibility for implementing this policy and procedure, by maintaining a working environment in which harassment and bullying are understood to be unacceptable and by offering support to anyone who complains of harassment or bullying and by making every effort to ensure that there is no victimisation.

Managers and supervisors have a duty to implement this policy and to make every effort to ensure that harassment and bullying does not occur, particularly in work areas for which they are responsible.

Managers and supervisors have responsibility for dealing appropriately with any incidents of harassment and bullying which they are aware of, or ought to be aware of. If harassment and bullying does occur they must deal effectively with the situation.

Representation

At all stages of the formal procedure, employees have the right to be accompanied by a workplace colleague or by an accredited representative of a Trade Union. A workplace colleague may not be in a position of authority over you as they may be involved in further grievance proceedings. Employees are not be permitted to be represented by, or accompanied by, an external party, including counsel, solicitors, or family member/friend.

Managers and Supervisors should:

- Be responsive and supportive to any member of staff who makes an allegation of harassment or bullying, provide clear advice on the procedure to be adopted, maintain

confidentiality and seek to ensure that there is no further problem of harassment or bullying or victimisation while a complaint is being dealt with or after it has been resolved.

- Set a good example by treating all staff, clients and customers with dignity and respect.
- Be alert and proactive to unacceptable behaviour and take appropriate action in accordance with the Company's policy and procedures.

Employees

All those who work for the Company have a responsibility to help ensure a working environment in which the dignity of all employees, clients and customers is respected. Everyone must comply with this policy and employees should ensure that their behaviour to colleagues, clients and customers does not cause offence and could not in any way be considered to be harassment or bullying.

Employees should discourage harassment and bullying by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint. Any employee who is aware of any incident of harassment or bullying should alert a manager or supervisor to enable the Company to deal with it.

Review

The Company will monitor all incidents of harassment and bullying. The effectiveness of this policy and procedure will be reviewed on an ongoing basis by the Managing Director and Human Resources Manager

Dignity at work (bullying & harassment) procedure

Introduction

Any complaint of harassment (including sexual harassment) or bullying will be taken seriously and will be handled by the Company fairly, sensitively, in a timely, respectful and confidential manner. This is a specific procedure to deal with harassment, sexual harassment, or bullying complaints. Any such complaint should be raised under this procedure and not under the Company's Grievance Procedure.

The Company recognises the right of employees to determine for themselves whether the words or behaviour of others is acceptable to them and to bring a complaint in respect of harassment, sexual harassment, or bullying. Where a complaint is made those who are alleged to have carried out the acts complained of will be afforded natural justice and treated with fairness, sensitivity, and with respect for the need for confidentiality. Following the investigation of a complaint, the decision as to whether the complaint is warranted and, if so, what disciplinary sanction should apply is the responsibility of management.

Any records made of any action taken under this procedure will be treated as confidential wherever possible.

This procedure only applies whilst you are employed by the Company.

Contact person

The Company has appointed a Contact Person whose role is to support employees who have any concerns under this policy/procedure.

The role of the Contact Person is not to judge but rather to provide guidance and support about the Company's policy and options to resolve a concern on a confidential basis.

Where a complaint is made, the Contact Person will not be involved in the investigation of the complaint.

Details of the Contact Person are available from HR.

Informal process

While in no way diminishing the issue or the effects on individuals, a prompt and informal problem-solving approach can often offer the best potential for addressing matters. As a general rule therefore, an attempt should be made to address a concern as informally as possible by means of the informal procedure.

You are not obliged to follow the informal procedure and if you have a complaint you may choose to start the complaints process by making a formal complaint. Choosing not to use the informal procedure will not reflect negatively on you in the formal procedure.

It is also recognised that it may not always be practical to use the informal procedure, particularly where the bullying or harassment is serious, where the people involved are at different levels in the Company, or if the harassment is of a sexual nature. In such instances the formal procedure should be used.

Stage 1 – initial informal process

If you consider yourself to be the victim of harassment or bullying, and provided you feel comfortable doing so, you may be able to resolve the matter informally by:

- explaining clearly to the perpetrator what they have said/done, the effect it has had on you, that their behaviour is unacceptable and contrary to the Company's policy; and
- asking the person(s) responsible to stop the behaviour.

Alternatively, if you feel it is more suitable, you should put your concerns in writing and provide this to your line manager in the first instance. This should focus on what the perpetrator has said/done and the effect it has had on you.

Where your concerns relate to an immediate manager, you can raise your concerns informally with their manager or a person at the next level of management.

Stage 2 – secondary informal process

The secondary informal process is appropriate where:

- you tried the approach at Stage 1, but it was unsuccessful;
- Stage 1 is inappropriate due to the seriousness of the issues;
- you did not feel comfortable approaching the alleged perpetrator directly

At the secondary stage of the informal process a **Nominated Person** will deal with your complaint on behalf of the Company. It is of the utmost importance that confidentiality is maintained throughout all of Stage 2. The Nominated Person will be someone appointed by the Company to deal with the complaint.

You can raise a complaint at Stage 2 either verbally or in writing. If verbal, a written note of your complaint will be taken by the Nominated Person. A copy of the written complaint will also be given to you.

The Nominated Person will then establish the facts, the context, and then the next course of action in dealing with the matter under the informal procedure.

If your complaint concerns alleged bullying (as defined) and includes concrete examples of inappropriate behaviour, the alleged perpetrator will be notified of the complaint and the Nominated Person will understand their response to the allegations. However, if no concrete examples are given there will be no complaint for the alleged perpetrator to answer.

If your complaint does not involve behaviours that would be considered bullying, a course of action will be agreed to resolve the matter.

Where bullying behaviour has been fully or partly identified, steps to stop the behaviour and monitor the situation will be put in place with both you and the alleged perpetrator(s). At this stage it may be appropriate to consider the use of mediation.

The Nominated Person will keep a nominal record of all stages, the complaint, the first meeting, action agreed, and signed records of the final meeting.

Closure of the informal stage

With the co-operation of all parties it is hoped that the informal process may resolve matters. In some cases it may be appropriate for support or periodical reviews to be put in place.

Where a complaint has been assessed as vexatious at the informal stage, the matter will be progressed separately as a potential disciplinary matter.

Formal process

If you have a concern to which this policy applies, you are encouraged to consider, and where appropriate exhaust, the informal routes for resolution before the formal process is invoked.

We recognise however that not all complaints are capable of, or appropriate to be, resolved informally. Where this is the case, you may make a formal written complaint about the alleged harassment or bullying following the steps below. In addition, the Company may decide that it is necessary to take more formal action (see above).

A formal complaint may lead ultimately to the imposition of disciplinary sanctions on the perpetrator.

This process includes a formal complaint and a formal investigation. The purpose of the investigation will be to determine the facts and credibility of a complaint of alleged bullying and/or harassment.

The formal process is as follows:

Formal complaint

- a) You should make a formal complaint in writing to your line manager, or if preferred, any member of management. The complaint should be made as soon as possible, it must be signed and dated and include the following details: the name of the alleged perpetrator(s), the precise details of the alleged incidents of harassment or bullying, the dates and times the harassment or bullying occurred, the names of any witnesses; and any action taken by you to resolve the matter informally.
- b) The formal process will be carried out by either a designated member or members of management or, if deemed appropriate, an independent third party;
- c) If it is not possible for you to make the complaint in writing, the person assigned to investigate the complaint will meet with you and will make a written record of your complaint. You will be asked to sign and date that record;
- d) Following receipt of the written complaint, an initial meeting will be held with you. A separate meeting will also be held with the alleged perpetrator(s) at which they will be given a copy of the complaint
- e) Both you and the alleged perpetrator(s) will be provided with any relevant documents including a copy of this policy. You will both also have the formal process explained to you, the projected timescale, and the possible outcomes. Both parties will be advised of who to contact if support is required during the process.

Investigation

- f) Is possible, all parties should continue to work normally during the investigation. However, where you and the alleged perpetrator work in proximity to each other, it may be necessary to ensure you do not continue to do so whilst the complaint is being investigated and during any consequent disciplinary proceedings. This may necessitate that one or both parties is moved temporarily or suspended on full pay;
- g) The investigation will be governed by terms of reference and purpose of the investigation is to decide whether, on the balance of probabilities, the behaviours complained about have occurred. The investigator will not uphold or dismiss the allegations, nor will they suggest or impose sanctions;
- h) The investigator will meet with the complainant and alleged perpetrator(s) and any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegation(s). Both the complainant and alleged perpetrator(s) may be accompanied by a work colleague or employee/trade union representative if so desired;

Outcome

- i) On completion of the investigation, the investigator will decide whether behaviours complained about have occurred. If the investigator concludes that the accused employee has a case to answer, on balance of probability, the investigator may recommend whether or not the Company should instigate the disciplinary procedure;
- j) Both you and the alleged perpetrator(s) are entitled to know whether a complaint has been upheld or not and the reasons why, however parties are not entitled to details of disciplinary action to be taken;

Appeal

- k) If either you or the alleged perpetrator(s) are dissatisfied with the outcome, you may appeal, in writing, within 5 days of receiving the outcome setting out your grounds of appeal;
- l) The appeal will be conducted by a manager who is of at least the same level of seniority as the original investigator. This manager will not have been involved in the investigation;
- m) An appeal is not a re-hearing of the issues; its purpose is to focus on the conduct of the investigation in terms of process and adherence to procedure;
- n) The decision at the appeal stage is final and there is no further right of appeal.

Harassment of a GRAHAM Asset Management employee by a Third Party

An employee who believes they have been the victim of harassment or bullying by a client, customer, contractor or visitor should in the first instance and without delay approach their line manager or Human Resources Manager to discuss their complaint and steps to be taken under the Dignity at Work procedure to resolve their complaint.

Harassment of a GRAHAM Asset Management employee

Allegations of harassment or bullying from a client, customer, contractor or visitor by a GRAHAM Asset Management employee will be dealt with under this procedure.