

## **Dignity at Work Policy and Procedures**

### **Policy**

#### **1. Purpose**

- 1.1 All members of the University of Manchester Conferences (UMC) Ltd (“the company”) are required to treat all colleagues and customers in a friendly, courteous and dignified manner
- 1.2 Any form of harassment, discrimination or bullying will not be tolerated by any members of its community.
- 1.3 Harassment, discrimination and bullying are contrary to the values of the University and therefore, as a wholly-owned subsidiary company, to UMC also, as set out in the Equality and Diversity Policy and the Manchester 2020 strategic vision document; in many circumstances such actions may also be unlawful.
- 1.4 All staff have a right to complain in confidence if they believe that they are being harassed whilst working and will never be expected to tolerate what they genuinely and reasonably believe to be harassment, discrimination or bullying, whether by a colleague or a third party.

#### **2. Overview**

- 2.1 Any cases of harassment, discrimination and bullying will be taken very seriously by the company and, where necessary, the appropriate procedure will be used to investigate complaints.
- 2.2 Similar arrangements will be used in dealing with complaints made by visitors or UMC/University colleagues, or by other members of the public.
- 2.3 The Dignity at Work Procedures aim to protect all staff but should not be used as a substitute for resolving issues through informal discussion where possible; in particular, informal discussion may be an effective means of resolving behaviour which is unwitting or insensitive, by alerting the perpetrator to the impact to their behaviour.
- 2.4 Harassment, discrimination or bullying may be treated as disciplinary offences, and the most serious cases, if proven, could result in dismissal for employees.

- 2.5 Assumptions will not be made on the relative merits of the complaint; no party will be considered 'at fault' until a complaint has been investigated, and aim will be to resolve the issue to the satisfaction of all parties as quickly and as informally as possible.
- 2.6 Where a claim is made by an individual that is judged to be vexatious, this may lead to the individual being disciplined.

### **3. Roles and responsibilities**

#### UMC will aim to:

- i. treat all complaints of harassment, discrimination and bullying made within the framework of this policy seriously, and in a sensitive, swift and fair manner;
- ii. deal with all complaints confidentially amongst those directly involved, protecting the identity of the complainant and the person allegedly responsible where possible;
- iii. actively encourage an informal resolution of difficulties in the first instance and wherever possible;
- iv. offer support and assistance to all staff involved;
- v. use the disciplinary procedure to take action against those found responsible for harassment, discrimination or bullying or those whose allegations are vexatious.
- vi. promote this policy to all staff;
- vii. include information about this policy and its values in the induction process for all new staff, and staff transferring or seconding to different roles;
- viii. offer training or other intervention where appropriate to staff who have been found to be responsible for using unacceptable behaviour; the aim being to foster a healthy working and learning environment;
- ix. provide training for all managers in the operation of this policy and procedure;
- x. monitor all reported incidents of harassment, discrimination and bullying.

### **4. Employees**

- 4.1 All staff have a responsibility to ensure a working environment where everyone is treated with equal respect and dignity.
- 4.2 Each member of staff is expected to contribute to preventing harassment, discrimination and bullying through self-awareness, and by supporting work colleagues who experience such difficulties by:
  - i. challenging all discriminatory behaviour and attitudes;
  - ii. challenging gossip and rumour, which can fuel discriminatory behaviour and attitudes;
  - iii. informing their manager or other appropriate member of staff confidentially when incidents occur that cause concern.

## **5. Managers**

- 5.1 All managers have a responsibility for leading and setting standards of behaviour that are appropriate for a healthy working environment, ensuring that:
- i. their behaviour is consistent with this policy and the Equality and Diversity Policy;
  - ii. staff for whom they are responsible are aware of the Dignity at Work and Equality and Diversity Policies;
  - iii. the workplace study environment is kept free from any literature, posters, notices etc. which may foster discriminatory attitudes and behaviour;
  - iv. they take the initiative to quash rumour and gossip which may fuel discriminatory attitudes or behaviours;
  - v. they take action if they witness incidents of harassment, discrimination or bullying whether or not a complaint has been made;
  - vi. ...they deal with any complaint swiftly, fairly and confidentially when they are involved in the procedure.

## **6. The University Harassment Advisors Network**

- 6.1 Harassment Advisors provide a confidential support and information service to staff and on issues relating to harassment, discrimination and bullying.
- 6.2 Harassment Advisors support individuals who make a harassment, discrimination or bullying complaint.
- 6.3 Harassment Advisors also offer support to the alleged harasser.

## **Procedures**

### **1. Purpose**

- 1.1 This procedure sets out the organisational arrangements in place to support the implementation of the University of Manchester Conference Ltd (UMC) (“the company”) Dignity at Work and Study Policy as it relates to staff.

### **2. Overview**

- 2.1 Any cases of harassment, discrimination or bullying will be taken very seriously by the company and, where necessary, the appropriate procedure will be used to investigate complaints, including any made by University students and/or by visitors to any of its facilities.
- 2.2 Cases of proven harassment, discrimination or bullying may be treated as a disciplinary offence where it is not possible to reach a compromise or resolution and in certain cases, if established, could result in dismissal for employees.
- 2.3 Making false or unsubstantiated allegations with malicious intent could, if established, lead to disciplinary action being taken, up to and including dismissal.
- 2.4 In some circumstances it may be appropriate to remove an individual from a situation/environment of conflict; this may include the reassignment of tasks.
- 2.5 Where there is a serious allegation, an individual may be suspended from work during an investigation as set out in the appropriate Disciplinary Procedures.
- 2.6 UMC’s policies and procedures aim to protect all of its employees; however this procedure should not be used as a substitute for resolving issues through informal discussion where possible.
- 2.7 UMC will not assume guilt of either party and will support all staff members involved in a case of alleged harassment, discrimination or bullying.
- 2.8 At any meeting at any stage in this procedure the complainant and the respondent can be accompanied by a Trade Union representative or UMC colleague.
- 2.9 Every effort should be made to keep the matter confidential to those who are directly involved.

### 3. Definitions of Harassment, Discrimination and Bullying

#### Harassment

- 3.1 Harassment is unwanted physical, verbal or non-verbal conduct which may (intentionally or unintentionally) violate a person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment which interferes with an individual's learning, working or social environment.
- 3.2 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to a protected characteristic such as *age, disability, gender reassignment, pregnancy and maternity* (including breastfeeding) and *religion or belief*, and is *unacceptable even if it does not fall within any of these categories*; harassment can include the association with or a perception of a particular characteristic listed above.
- 3.3 Harassment may include, for example:
- i. unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
  - ii. unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
  - iii. continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
  - iv. sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
  - v. offensive or intimidating comments or gestures, or insensitive jokes or pranks;
  - vi. mocking, mimicking or belittling a person's disability;
  - vii. racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
  - viii. outing or threatening to out someone as gay or lesbian;
  - ix. ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

- x. a person may be harassed even if they were not the intended "target"; for example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment.

### Discrimination

- 3.1 Unlawful discrimination takes place when an individual or a group of people is treated less favourably than others based on a protected characteristic such as *age, disability, gender reassignment, pregnancy and maternity* (including treating a woman less favourably because she is breastfeeding), *religion or belief* and, in relation to direct discrimination only, *marriage and civil partnership*
- 3.2 Direct discrimination occurs where someone is treated less-favourably because of one of the protected characteristics set out above; this can include association with or a perception of a particular characteristic.
- 3.3 Discrimination by association – a person being discriminated against due to their connection to someone who has one of the protected characteristics e.g. a mother is denied a promotion because managers thought her child's disability may interfere with her work.
- 3.4 Discrimination by perception – a person being discriminated against because it is believed they have one of the protected characteristics e.g. a man being harassed at work because it is believed he is gay, even though he is not.
- 3.5 Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criteria or practice that puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic.

### Bullying

- 3.6 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of 'power' that can make a person feel vulnerable, upset, humiliated, undermined or threatened.
- 3.7 'Power' does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.
- 3.8 Bullying can take the form of physical, verbal and non-verbal conduct.
- 3.9 Bullying may include, by way of example:
  - i. shouting at, being sarcastic towards, ridiculing or demeaning others;
  - ii. physical or psychological threats; overbearing and intimidating levels of supervision;
  - iii. inappropriate and/or derogatory remarks about someone's performance;

iv. abuse of authority or power by those in positions of seniority;

or

v. deliberately excluding someone from meetings or communications without good reason.

3.10 Legitimate, reasonable and constructive criticism of performance or behaviour, or reasonable instructions given to staff in the course of their employment, will not amount to bullying on their own.

#### Victimisation

3.11 Victimisation is also prohibited; this is less favourable treatment of someone who has complained or given information about discrimination or harassment, or supported someone else's complaint.

3.12 The above definitions are there as helpful guidance and during consideration of the case; a judgment needs to be made on what is reasonable to assume for a given action.

#### **4. Harassment Advisors Network**

4.1 The University's Harassment Advisors are trained to provide a confidential information service to employees of the University and its subsidiary companies, including UMC Ltd, on issues relating to harassment, discrimination and bullying.

4.2 Contact details for Harassment Advisors are available on the University intranet through the following link: [www.manchester.ac.uk/dignity](http://www.manchester.ac.uk/dignity). Alternatively, details can be provided by the Equality and Diversity Team.

4.3 Harassment Advisors offer advice to members of staff who make a complaint by outlining the various processes and identifying any other support routes open to them.

4.4 Harassment Advisors also offer advice to staff or students who have a complaint made against them.

#### **5. Further Information**

5.1 Further information and support is available for staff members from any of the following:

- i. [Human Resources](#)
- ii. [a trade union representative](#)
- iii. [the Equality and Diversity Team](#)
- iv. [the University's Counselling Service](#)



## **6. Scope**

- 6.1 This procedure is to be used by staff wishing to take informal or formal steps in making a complaint against a fellow member of staff, when they believe they have been the subject of harassment, discrimination or bullying.
- 6.2 In the following sections:
- i. The person making a formal complaint is referred to as “the complainant”.
  - ii. The expression “respondent” refers to an individual against whom a complaint of harassment, discrimination or bullying has been made.
- 6.3 Where a complaint is about someone other than a UMC employee, such as an employee or student of the University, a contractor, customer or visitor, the company will consider what action is appropriate to deal with the situation and to protect the complainant and anyone else involved. Where appropriate, the company will attempt to discuss the matter with the third party.

## **7. Evidence**

- 7.1 For any member of staff who feels that he/she is experiencing unacceptable behaviour, it is important that they begin to keep a note of the details and dates of any incidents which have caused them distress and, where possible, the following information should be included:
- i. Date of incident(s)
  - ii. Location
  - iii. Time
  - iv. Nature of incident(s)
  - v. The response made by the complainant
  - vi. The complainant’s feelings at the time
  - vii. Any action taken by the complainant
  - viii. The name of any witnesses
  - ix. Any relevant emails, voicemails and memos

## **8. Options**

- 8.1 Many complaints can be resolved informally, and this approach is encouraged where possible.
- 8.2 Mediation is also available at any stage of the procedure and offers a less adversarial method of dispute resolution.

- 8.3 However, if complainants do not feel able to follow either the informal procedure or mediation, or if the incident is too serious for such approaches, they should proceed straight to the formal stage.
- 8.4 As a general principle, the decision of whether to progress a complaint is up to the individual. However, the company has a duty to protect all staff and may pursue the matter independently if it considers it appropriate to do so.

## 9. Informal procedure

- 9.1 Complainants are advised to talk to someone they can trust; this may be a colleague, a line manager, a trade union representative, a family member or friend.
- 9.2 The process of talking through what has happened with someone else can help to determine what action to take.
- 9.3 Complainants and respondents can contact a [Harassment Advisor](#) at any time to discuss the issue and seek advice (see section 4.).
- 9.4 The complainant may feel able to tell the person who is harassing them to stop, either by talking or writing to them; sometimes it is enough just to explain to the person who is harassing them what is unwanted about their behaviour and why it is unacceptable, which may be very difficult to do, and so the complainant may prefer to be accompanied by a colleague, line manager or a trade union representative.
- 9.5 If the complainant feels unable to speak to the person concerned, this does not imply that they have accepted the harassment, discrimination or bullying, nor will it prejudice any complaint which they may bring.
- 9.6 If it is too difficult or too embarrassing to do this personally, the complainant may request their manager to approach the respondent on their behalf.
- 9.7 If the manager is the respondent, the complainant may request a colleague, trade union representative, or their manager's manager to approach the respondent on their behalf.
- 9.8 If it has not been possible to find resolution by either approaching the respondent or by another staff member approaching the respondent on their behalf, then the complainant may want to consider the alternative options available.
- 9.9 If they have not already done so, either party may wish to contact a [Harassment Advisor](#) who will be able to provide information on the options available to them.
- 9.10 The complainant or the respondents may wish to contact the [Mediation Service](#).

## **10. Mediation**

- 10.1 Mediation is an informal, voluntary and confidential process which can help the complainant and the respondent to explore the issues presented.
- 10.2 Mediation can be requested at any stage, as an alternative to the informal stage or as the next step after informal procedures.
- 10.3 It could also be used at any point during the formal procedure, in which case the formal procedure will be halted pending the outcome of the mediation.
- 10.4 Mediation offers a less adversarial alternative to the formal stages of this procedure and can resolve complaints quickly by empowering those involved to identify how they wish to resolve the issues, with a greater focus on restoring communication.
- 10.5 If the complainant or respondent wishes to use the [Mediation Service](#) they can contact the service directly.
- 10.6 If the case is suitable for mediation, a mediator will be assigned to the case and arrangements will be made for the participants to meet with the mediator to explore mediation as a possible way forward.
- 10.7 If both parties agree to mediation a joint session, facilitated by the mediators, will be arranged.
- 10.8 If either party does not agree to mediation taking place or a session does not lead to an agreed resolution, the Mediator will make both parties aware of the further options available to them.

## **11. Formal complaints and investigation**

- 11.1 If it has not been possible to resolve the matter informally or through mediation or if it is not appropriate to seek to resolve the complaint using less formal stages, the complainant has the right to activate the formal procedure.
- 11.2 The complainant should submit the formal complaint in writing to their Human Resources Partner who, in response, will acknowledge receipt and then refer the complaint to an appropriate Investigating Officer, and inform the complainant.

## **12. Investigation**

- 12.1 At least two people must be involved in investigating the complaint; normally this will include an appropriate manager in who are referred to hereafter as the “Investigating Officers”.

- 12.2 Anyone dealing with the formal complaint must be independent of the complainant or respondent, and the Human Resources Partner will determine disputes about the independence of an investigating officer.
- 12.3 The Investigating Officers will be responsible for gathering information to allow them fully to consider the complaint; the scope of the investigation is at the discretion of the Investigating Officers, and proceedings will be undertaken as quickly as possible, normally within 10 working days of receipt of the complaint, and will be done so with the utmost confidentiality.
- 12.4 The complainant will be asked to attend a meeting with the Investigating Officers, and will be informed of their right to be accompanied, whereby procedure will be explained and discussed, and the details of the allegations will be confirmed; a written record of the meeting will be maintained and reviewed/agreed by the complainant and signed for as accurate in detail.
- 12.5 The Investigating Officers may, at this initial stage, determine that there is no substance to the complaint, in which case the formal procedure will cease and the complainant will be informed; the complainant may seek a review of the Investigating Officers decision.
- 12.6 Where the Investigating Officers agree that further investigation is appropriate, the respondent will be informed of the substance of the complaint against them and asked to attend a meeting.
- 12.7 Prior to the meeting, details of the policy and the support mechanisms available to them will be provided and Respondents will be informed of their right to be accompanied (see 2.8).
- 12.8 During the meeting, the Respondent will be given the opportunity to respond to the details of the complaint.
- 12.9 The Investigating Officers may consider suspending the respondent on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require.
- 12.10 The Investigating Officers may require other, relevant witnesses to attend interviews; comprehensive notes of any interviews will be made and will be signed by the interviewee as accurate and reflecting the discussion.
- 12.11 The interviewee may make any written comments about any section of the notes with which they do not agree.
- 12.12 Copies of the signed notes, with any comments, will be retained by both the interviewee and the Investigating Officers.

- 12.13 On the basis of interviews and statements received and any other relevant evidence, the Investigating Officers will reach a decision on the complaint.
- 12.14 The Investigating Officers will compile a report of the investigation and outcome.
- 12.15 All parties will be informed individually in writing of the decision including its reasons.
- 12.16 If the Investigating Officers conclude that the conduct of the staff member against whom the complaint was made does constitute misconduct, then the matter will be referred for consideration under the appropriate disciplinary procedures.
- 12.17 Specifically, action will be considered in accordance with the appropriate staff disciplinary procedures regarding the alleged 'harasser'.

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