

# DIGNITY AT WORK POLICY AND PROCEDURE

## Mission Statement

WeST holds a deep-seated belief in education and lifelong learning. Effective collaboration, mutual support and professional challenge will underpin our quest to ensure that all of the children and adults we serve are given every opportunity to fulfil their potential and succeed in life.

Person(s) responsible for updating the policy:	Louise Rowe, HR Business Partner
Dates consulted on:	From: 15/05/2019 To: 20/11/2019
Date Approved:	12/12/2019
Date of next review:	December 2021

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### 1. Introduction

WeST is committed to working towards creating a working environment in which all staff are treated fairly, with dignity and respect and unacceptable behaviour in the workplace will not be tolerated.

All individuals' have a clear role to play in helping to create a positive working environment. In particular, individuals should be aware of their own conduct and behave in a manner which ensures and promotes acceptable behaviour among colleagues. Headteachers/Principals, Governors, managers and supervisors have a responsibility to raise awareness of this issue and challenge and stop unacceptable behaviour in the workplace among employees.

This policy applies to all employees. It also applies to all governors, volunteers, workers and contractors undertaking work on behalf of the organisation. These groups will be collectively referred to as 'individuals' within this policy.

All individuals should be prepared to take appropriate action if they observe or have evidence that a colleague is being subjected to unacceptable behaviour and/or observe a colleague demonstrating unacceptable behaviour in the workplace.

To preserve and protect a positive working environment the organisation has existing policies that set clear standards of conduct which must be observed and enable employees to raise concerns. These include the Employee Code of Conduct, Equal Opportunities and Diversity Policy, and the Grievance Policy & Procedure. In addition, certain professions such as teachers have standards of conduct set by their registered body (formerly the GTC and now the Department for Education). Other policies referenced throughout this document are accessible via the staff pages of the WeST website.

### 2. Access

Employees, workers and volunteers are made aware of the existence of this policy and where it can be accessed.

The current version of this policy will be available from the WeST website and school websites shall hold copies of any local supporting documentation.

For new employees joining the trust, the induction programme document includes a review of relevant policies and records the date completed.

### 3. Policy Statement

WeST is committed to tackling behaviour deemed inappropriate in working relationships. In most instances' issues can be resolved informally, however where issues are very serious or occur repeatedly, formal procedures may be invoked. Where formal action is necessary because of an employee's unacceptable behaviour action may be taken through the Disciplinary Policy and Procedure. Managers and Headteachers/Principals within schools should seek advice from the WeST core HR team.

This policy defines a number of principles and sets out procedures that ensure that behaving in a professional manner is the accepted standard for all people working within the organisation.

Any unacceptable behaviour directed towards another, including harassment based on age, disability, gender re-assignment, marriage & civil partnership, pregnancy & maternity, race (colour, nationality & ethnic or national origins), religion or belief, sex and sexual orientation is unlawful and will not be tolerated in any form by this organisation.

#### 4. Aims and Objectives

This policy aims to help individuals and their managers resolve problems informally and in a positive manner where appropriate. If necessary, support and assistance can be sourced from the WeST core HR team.

The objectives of this Policy are to:

- Ensure that all individuals are aware of the types of unacceptable behaviour and their collective responsibilities for preventing such behaviour in the workplace;
- Ensure that all individuals understand what action may be taken to prevent unacceptable behaviour in the workplace, including formal conduct action where appropriate;
- Promote a climate where individuals feel confident to bring forward issues of unacceptable behaviour in the workplace without fear of victimisation;
- Ensure that all issues of unacceptable behaviour at work are responded to quickly, positively and in confidence where appropriate.

#### 5. Roles and responsibilities

All individuals have a role to play in creating a positive working environment. Individuals should be aware of their own conduct at work, the impact on others, and behave in a manner which is acceptable and professional towards others in the work environment.

Those with management responsibility have a duty to act as a role model and ensure individuals are aware of what is acceptable and unacceptable, and to challenge and stop unacceptable behaviour if it occurs. Likewise, no-one is 'protected' from challenge or sanctions because of their status or power and the Trust will treat incidents involving abuse of power very seriously. Managers and leaders must ensure that individuals can challenge them and their peers fairly, provided such challenge does not contravene the principles of this policy.

All individuals should be prepared to support colleagues who feel that they have been subjected to unacceptable behaviour and challenge or report unacceptable behaviour. This includes believing colleagues who report unacceptable behaviour in the first instance. Please see Appendix 2 for further guidance on supporting and challenging.

#### 6. Definitions of acceptable and unacceptable behaviour

##### People behave acceptably at work when they:

- Treat everyone fairly, with dignity and respect and according to their needs.
- Try not to make assumptions about others and guard their prejudices.
- Have awareness of the effects of their behaviour on others.
- Communicate clearly, honestly, inclusively and openly in a courteous manner.
- Are patient and helpful particularly if someone has difficulties communicating, understanding or with mobility.
- Respect property and culture.
- Respect the right to private and family life.
- Only make clear, reasonable and manageable demands on others.
- Provide, and are receptive to, honest feedback based on evidence.
- Challenge bullying, harassment, discriminatory language and behaviour in an appropriate way, and use acceptable Language.
- If they feel able to do so, tell people if their behaviour has been unacceptable and advise on appropriate alternatives so that they are given the opportunity to change (tackling things, however small, at an early stage so they do not get worse).

**Unacceptable behaviour at work includes:**

- All forms of harassment, including sexual harassment (whether or not it is associated with a Protected Characteristic under the Equality Act 2010). See Section 7 for more information.
- Unlawful discrimination (as defined in the Equality Act 2010).
- Bullying, which can include: persistent actions or personal abuse in public or private which humiliate, intimidate, frighten, undermine or demean an individual.
- Using aggressive or extreme (offensive) language, threatening people, ridiculing, ignoring people or repeatedly shouting.
- Telephoning people at home unnecessarily (for example, demanding work when the person is absent due to sickness or ill health).
- Focusing only on weaknesses.
- Bringing up details of someone's private life inappropriately.
- Making unreasonable demands (for example, leaving impossibly long lists of tasks).
- Maliciously gossiping or criticising about someone in their absence.
- Ridiculing or demeaning someone, or a group such as an ethnic group or disabled people.
- Setting someone up to fail.
- Frequent negative comments about aspects of physical appearance or using forms of address that are demeaning.
- Threatening or implying someone (without justified reason and authority) will lose their job, fail to get a promotion, or suffer some other form of career difficulty or disadvantage.
- Coercing someone to join the harassment/bullying of another person.
- Excluding or marginalising someone; refusing to engage with them appropriately.
- Inappropriately using workplace equipment and resources.

These lists are not exhaustive.

Unacceptable behaviour must not be condoned as a particular management style. Whilst recognising that effective management may call for a firm and assertive style to achieve desired outcomes, it should be ensured that individuals are treated with dignity and respect at all times.

Legitimate, constructive, fair and evidenced criticism of an individual's performance or behaviour at work is not bullying or harassment. It must be recognised that those in positions of management have both a contractual right and responsibility to discharge managerial duties. Managers may have to deal with capability, conduct or performance issues as part of their management duties or responsibilities. Further details of these processes are in the relevant policy documents – including Code of Conduct, Equal Opportunities and Diversity Policy, and Capability Policy. If the concerns are not clearly evidenced to the individual, the individual may perceive criticism as bullying, harassment or discrimination.

Well established teams who are familiar with working with each other need be aware that behaviour regarded as acceptable to them may cause embarrassment, offence or anxiety to others.

An occasional raised voice or heated debate regarding work-related issues in itself may not be unacceptable behaviour at work but is communication between colleagues, usually over issues that individuals feel passionate about, and can be a driver in the workplace for developing new ideas and better practices. However, if an individual believes that the boundary between 'heated debate' and unacceptable behaviour at work has been crossed, their request for calm should be respected.

For further examples of unacceptable behaviour at work, please see Appendix 1.

## 7. Definitions of discrimination and harassment within the Equality Act 2010

### Protected characteristics

The Equality Act offers protection to people from discrimination by a service, association or at work because of a protected characteristic. The protected characteristics are:

Age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

It is also unlawful to discriminate, harass, or victimise someone because they are perceived to have a protected characteristic, or are associated with someone who has that characteristic.

Additional information is available in the Equal Opportunities and Diversity Policy.

### Discrimination – definitions:

**Direct Discrimination** is to treat someone less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic or where it is perceived that an individual possesses a protected characteristic.

**Indirect discrimination** is where a provision, criteria or practice is applied which unfairly disadvantages a group who share a particular protected characteristic and cannot be justified as a way of achieving a legitimate aim.

**Harassment** is “unwanted 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 for that individual”. Employees can complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

When defining behaviour in cases of harassment, it is appropriate to place emphasis on the recipient’s experience rather than the motivation of the person complained about.

Such behaviour does not have to happen at work for action to be taken. Employees can experience harassment at conferences, away days and even when they are socialising after work at a work-related event.

**Victimisation** is a form of unlawful discrimination where someone is treated less favourably because they made a complaint (in good faith) or supported a complaint about discrimination or harassment. People are protected from victimisation under the Equality Act. A complainant will not need to compare their treatment with that of a person who has not made or supported a claim under the Act.

Ultimately, any form of victimisation will not be condoned and it is always appropriate to place emphasis on the recipient’s experience rather than the motivation of the person complained about.

An employee is not protected from victimisation if, as a result of exploration/investigation, they have maliciously made or supported an untrue complaint.

**Bullying** consists of persistent or repeated actions, criticism, or personal abuse in public or private, which humiliate, intimidate, frighten, undermine or demean the individual. There is no legal definition of bullying. People affected by bullying often feel the matter appears trivial or that they have difficulty in describing it. Bullying can be defined in many ways but is generally behaviour that is identified as a misuse of power.

For further examples and definitions are available in Appendix 1.

## 8. Managing behaviour

Unacceptable behaviour at work can occur at any level within an organisation and therefore it needs to be managed at all levels.

Leading by example and setting appropriate standards of behaviour are key to managing behaviour in the workplace.

There are many options available for the individual who perceives they are experiencing incidents in addressing unacceptable behaviour at work and these are described in section 9. Any complaint should be handled sensitively and positively.

Sometimes a complaint of (for example) sexual harassment will be reported much later than when the incident(s) took place. All allegations of unacceptable behaviour whether historic or more recent will be treated seriously and sensitively. It is important to believe individuals who report inappropriate behaviour in the first instance.

In cases of harassment, it is often behaviour perceived by others as being harmless which is most difficult to deal with and most distressing for the recipient. The recipient may feel reluctant to talk about their experiences for fear that it will not be regarded as credible, but the Trust intends to create a culture where 'it's OK to say it's not OK'.

A key question is: does the individual experience discomfort, distress, or unhappiness as a result of the actions of another person? If the answer to this question is yes, then it is likely they are feeling bullied, harassed and/or discriminated against by someone at work.

Sensitivity is judged upon what the average, reasonable person would think and not what has become 'organisational culture' (for example, what is regarded as 'acceptable' within a team might not be acceptable when viewed objectively). In some circumstances and after an investigation, a complaint of harassment might be deemed to be 'over-sensitive'; however, the feelings of the complainant should still be acknowledged. If necessary, mediation could be considered, or counselling services provided by a third party and funded by the Trust.

## 9. Taking action to address unacceptable behaviour

In most instances issues can be resolved informally and in some cases individuals may need the support of their manager or a colleague to do this. However, anything of a serious nature should be addressed via a formal grievance and potentially a disciplinary procedure (see separate policy documents). Support should also be provided to the recipient(s) of unacceptable behaviour and anyone else affected.

Unacceptable behaviour at work should not be tolerated, and individuals are recommended to seek advice and support at the earliest opportunity to address the issue. It is also helpful to keep a record of what happened and when it happened.

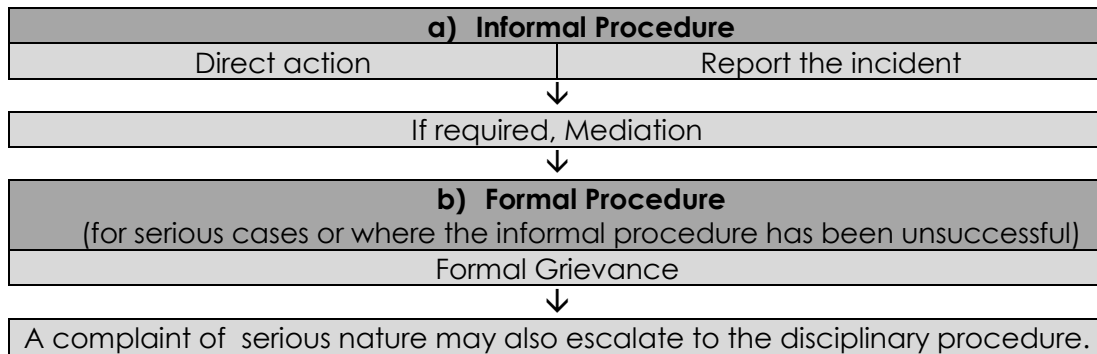
### 9.1 Dealing with unacceptable behaviour by service users or members of the public

Individuals may experience unacceptable behaviour from members of the public, child and adult learners, parents or customers. This is outside the scope of this policy, which focuses on

acceptable behaviour within the organisation and between employees. However, anyone experiencing unacceptable behaviour in the course of their work from members of the public should inform their Headteacher/Principal/Senior Manager who will work with the Governing body to provide active support to resolve the situation.

Where Headteachers experience difficulties with parents, consideration may be given to the use of mediation to resolve the issue(s).

**9.2 Dealing with unacceptable behaviour by employees:**



**a) Informal procedure**

This route involves bringing unacceptable behaviour to the attention of the other party through individual action, with the intention of stopping the behaviour that is causing the problem and agreeing more acceptable ways of behaving. This would ideally be done directly in person, but it can be done in writing to the individual, or through a third party such as a manager or colleague.

Individuals using the informal route are encouraged to make it clear that they wish to deal with the matter under this policy and not lodge a grievance at this stage. Individuals can make use of this policy and the definitions/examples of acceptable/unacceptable behaviour at work. In many instances no further action will be required when the unacceptable behaviour and its effect is recognised by the other party who can then vary their behaviour accordingly.

At this stage all parties are encouraged to keep an open mind in establishing the facts and the level/extent of the behaviour being complained about alongside any resultant next steps.

**Report the incident**

The Trust strongly recommends that individuals tell their line manager about the incident (or their senior line manager if the issue relates to their manager) – even if they have resolved it directly and informally. Where individuals feel unable to do this, they should not be put under undue pressure and can be supported through an appropriate third party.

The line manager will capture a file note of their report which will be stored confidentially on the reporting employees personnel record including details of the event, the effect on them and other parties who were present. This process does not directly resolve incidents but provides individuals an opportunity to ‘speak up’ and for the manager to consider and follow up actions required for the wider service and operational considerations.

The Headteacher/Principal will act or advise according to the situation, which might involve some initial fact find investigation and/or contact with the HR team. The Headteacher/Principal might talk through how the individual could manage it informally face to face or perhaps through mediation, before any recourse to the formal grievance



procedure. Where the issues are serious the Headteacher/Principal may have to invoke the formal procedures.

### **Mediation**

Mediation is a voluntary and informal solution-focussed process whereby identified mediators facilitate the discussion between individuals to reach their own solutions. For mediation to be successful, all parties must agree to participate. It may be used as part of informal resolutions however it can also form part of a Grievance or Disciplinary outcome.

There are numerous benefits of using mediation, particularly at an early stage where it can help improve working relationships and resolve issues that can be detrimental to productivity and harmony. It could help someone understand the impact their behaviour has on others, particularly if the recipient of unacceptable behaviour is having difficulty explaining or being understood.

Requests for support in arranging mediation should be made by the employee or their manager to the WeST HR Team.

### **b) Formal procedure - Grievance**

The formal grievance procedure is available to employees who wish to bring a complaint against another employee where the informal procedure, including mediation, of this policy has been ineffective or in more serious cases. See Grievance Policy and Procedure for more details.

### **c) Sources of support and information**

#### **Employee Assistance Programme**

WeST operates different Employee Assistance Programmes which are able to provide free access to counselling support for employees along with providing information, advice, and guidance.

Please contact the HR team are able to provide additional information and support with referrals.

#### **Occupational Health**

In addition to the above, all schools within the Trust operate an Occupational Health Service who may be able to provide personal support to individuals involved in these processes.

The school Business Manager or HR team will be able to provide more information on how to request a referral for occupational health support.

#### **WeST HR Team**

If an employee is affected by a current or historic issue of harassment, bullying or abuse and would like advice, or they need to have a confidential conversation, they should be encouraged to contact our WeST HR Team **on Telephone:** 01752 891754 ext. 1765 or Email: HR Email: [HR@westst.org.uk](mailto:HR@westst.org.uk). The HR Team are available between 8.30am - 5.00pm, Monday to Friday.

The HR representative will:

- Provide a confidential, unbiased, non-judgemental contact and signposting service to individuals who feel they have been subjected to unacceptable behaviour at work.
- Help explore the options available which may include informal or formal processes, signposting to other sources of support, signposting to relevant management representatives, mediation or more formal procedures.

This support will remain confidential, unless any disclosure is deemed by the HR representative to breach policy, regulations or the law or where there is the risk of harm to either the individual or others. The use of the Whistleblowing Policy or Disciplinary Policy to deal with illegal or grossly unprofessional behaviour at work could apply in such a situation.

Employees may also wish to contact their Trade Union or Professional Associate Representative for support and advice

### **10. Advice to people accused of bullying, harassment or discrimination**

Subject to any informal or formal action taken initially to resolve unacceptable behaviour at work, the HR team may also provide information to people who are accused of bullying, harassment and/or discrimination. They will give impartial information so that the individual can decide the course of action best suited to them at that time. This may include directing the individual to appropriate coaching or training.

Being accused of behaving in unacceptable ways at work can be equally concerning to the individual. In many cases the individuals are unaware that their behaviour is the cause of another person's distress or discomfort or that it may be unacceptable to others in the workplace.

Where the concerns are addressed through formal processes, the grievance and disciplinary procedures ensure that anyone accused of unacceptable behaviour will be entitled to have the matter investigated with an opportunity to respond.

If an individual is accused of harassment they should not seek to contact the complainant to discuss the complaint or, if the allegation is made anonymously, whoever they think made the complaint as the relevant informal or formal procedure should be followed.

Individuals that are the subject to allegations can access support through the above means. In addition to this, where appropriate, line managers should provide ongoing support to those that have been accused.

### **11. Witnesses to Unacceptable Behaviour**

The HR team is also available to people who have witnessed instances of unacceptable behaviour at work and are unsure how best to proceed. An individual can make a complaint of harassment or bullying where he or she is offended by behaviour even if it is not directed at him or her. The individual does not need to possess the relevant protected characteristic.

### **12. Protection for complainants**

On-going support should be provided to complainant throughout the process. Under the Equality Act 2010 people are protected from 'victimisation' (less favourable treatment because they have made a complaint about harassment or discrimination in good faith).

Individuals are also protected under the Whistleblowing Policy and Procedure which may also be referred to for significant concerns and allows for either named or anonymous reports. Individuals should also bear in mind that if they do choose to raise a concern anonymously it will be more difficult for the matter to be investigated and for them to be provided with feedback. If the complaint is of a serious nature, individuals are strongly advised to raise this formally and without anonymity so that they, and others, can be protected and the matter can be properly investigated.

### **13. Other relevant legislation**

The Racial and Religious Hatred Act 2006 creates an offence in England and Wales of inciting hatred against a person on the grounds of their religion or race. Under the 2006 Act "a person who uses threatening words or behaviour, or displays any written material which is

threatening, is guilty of an offence if they intend thereby to stir up religious/racial hatred". The Criminal Justice and Immigration Act 2008 also makes hatred towards group of persons defined by reference to sexual orientation an offence.

Harassment is both a criminal offence and the basis for bringing a civil action under the Protection from Harassment Act 1997; harassment is behaviour experienced on at least two incidents by the same person or group of people, which causes you distress or alarm.

Victims are advised to contact the police if they are experiencing harassment as it may amount to a criminal act as defined by the Protection from Harassment Act or may be a hate crime/incident. They can do this even if an internal investigation is taking place.

Although the Human Rights Act provides for 'freedom of expression' this is a 'qualified right' in that it can be limited for necessary, legitimate and proportionate reasons or if in conflict with law, therefore there is no right to express something if it will cause harassment of others, spread lies or incite hatred towards a group.

### 14. Acknowledging Positive Behaviours

Positive recognition of acceptable behaviour at work can be essential for promoting a constructive working environment and encouraging continuous improvements. Line managers should reflect how this can be best achieved for their teams with consideration for the culture and environment (operational arrangements, nature of role, and wider team impact).

By identifying and acknowledging examples of acceptable behavior, it can enable the line manager to:

- praise good behaviours and use them as an exemplar to others
- point out higher level behaviours that would be useful to acquire for future development
- engage individuals in the organisation's vision, values, and beliefs thus creating a 'WeST Way' and climate of 'Stronger Together'.

Different people will have different needs when it comes to positive recognition – some will find it embarrassing while others thrive upon positive feedback. None the less, it is important to ensure individuals know when they are behaving to the required standard or above the required standards at work. Regular feedback can create engagement and a positive team morale. There are many ways to achieve this, including:

- Verbal feedback in person
- Written feedback by email or letter from line manager
- Written feedback from a Senior Manager or Executive Team.
- One to one line management discussions
- Team meeting discussions
- Appraisals
- Sharing compliments or positive feedback received from parents, external organisations, and other stakeholders.

### 15. Useful Links

ACAS

<http://www.acas.org.uk/index.aspx?articleid=1461>

Bully Online

<http://www.bullyonline.org/>

The Trades Union Congress information on bullying at work  
<https://www.tuc.org.uk/workplace-guidance/bullying-violence-and-harassment>

The workplace Bullying and Trauma Institute USA and Canada  
<http://www.bullyinginstitute.org/>

Equality & Human Rights Commission  
<http://www.equalityhumanrights.com/>

You may also wish to liaise with your local trade union body.

## Appendix 1 - Examples of Unacceptable Behaviour

### Sexual Harassment

Sexual Harassment is defined in the Equality Act 2010 as: 'unwanted conduct [related to a person's sex] which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment'.

It does not have to be directed at an individual. A recipient of sexual harassment can be a man or a woman, or non-binary. The recipient can be the same sex/gender identity as the perpetrator.

It doesn't have to occur over a period of time. One incident may be enough if it is particularly serious.

Behaviour may be brushed off as banter, harmless flirting or fun, paying a compliment and not intending to cause offence. However, it is important to remember that it is the impact on others that matters most. Even if someone didn't mean to harass an individual, their behaviour or conduct is unacceptable if the recipient thinks it is unwanted, inappropriate or offensive (meeting the definition of harassment above). Some things may fall short of being considered 'harassment' but may be regarded as sexist such as patronising comments directed towards women. These are still unacceptable, but informal action would be most appropriate.

Examples of sexual harassment include:

- Unwelcome advances – physical, written and verbal.
- Inappropriate, lewd or suggestive remarks.
- Indecent comments, sexist or lewd jokes or innuendos relating to a person's physical appearance or private life.
- Unwanted physical contact such as hugging, kissing or touching.
- Requests for sexual favours.
- Pestering someone for a relationship (for example, repeatedly asking a person to socialise outside work when the person has said no or indicated they are not interested) or following them around (stalking).
- Sharing personal information about your sex life.
- Giving gifts or leaving objects that are sexually suggestive.
- Sharing sexually inappropriate images or videos, such as pornography with colleagues.
- Making or displaying inappropriate sexual images or posters in the workplace.
- Making inappropriate sexual gestures.
- Leering or staring in a sexually suggestive or offensive manner, or 'wolf whistling'.
- Making sexual or suggestive comments about appearance, clothing, or body parts.
- Inappropriate touching including pinching, patting, rubbing, or purposefully brushing up against another person.
- Asking sexual questions, such as questions about someone's sexual history or their sexual orientation.
- Making offensive comments about someone's gender identity.

'Asking someone on a date' in a reasonable manner is not harassment (as long as refusal is accepted without persistence or changing behaviour towards that individual). However, care should be taken not to make someone feel uncomfortable or breach the trust and confidence in the working relationship.

### **Sex Discrimination (non harassment)**

Includes using sex (or gender) as a deciding factor to treat someone less favourably such as not providing a service or employment opportunity where this cannot be justified on grounds of a genuine occupational requirement.

### **Racism**

Race covers skin colour, ethnic origin, nationality or national origin. It includes Gypsies, Roma and Travellers.

Racism does not have to be directed at an individual and a person doesn't have to be Black, Asian or of another minority ethnic background to regard something as racist. The same would apply to other protected characteristics.

Racism can include:

- Using offensive words about a racial group.
- Negative stereotyping.
- Making nasty comments (visual, verbal or otherwise) about a racial group.
- Bullying behaviour (excluding someone, making unreasonable demands etc.) directed at someone because of their racial background.
- Displaying racist insignia such as those used by far right groups, including the number 18, swastikas, white fist etc.
- Expressing that White people are a superior group (White Supremacy).
- Telling people to "go back home" (implying they do not belong in the UK).
- Avoiding (including acts of avoidance such as not shaking hands) someone who, if they were of a different ethnic background, would not be avoided.

### **Anti-Semitism, Islamophobia and harassment on basis of religion/belief**

As above, negative stereotyping, bullying behaviour, nasty jokes, telling someone they are not welcome here and avoidance on the basis of religion/belief are unacceptable, as they are for other protected characteristics listed in the Equality Act.

Hate speech attacks, threats, or insults towards a person, group or their property on the basis of their identity or perceived identity is against the law and extends across many individuals/groups.

### **Biphobia, Homophobia and Transphobia**

Lesbian, gay, bisexual and trans (LGBT) people will find it hard to be 'out' in the workplace where there is hostility and ignorance.

Things to be aware of include:

- Someone who has undergone gender re-assignment has the right to be respected in their true gender. For example, an assigned male colleague who has undergone gender re-assignment and is now living as a woman should be regarded as female and relevant pronouns be used (she, her etc.).
- Use of negative words and phrases.
- Heterosexism – assuming someone is heterosexual unless forced to prove otherwise.
- 'Outing' someone's sexual orientation or trans identity to another person without permission.

### **Disability harassment**

This can include using mimicking a disability and making nasty jokes (visual, verbal or otherwise) about disabled people. Bullying could include purposefully overlooking a disabled person's strengths and abilities.

### **Ageism**

This can include using age as a determining factor for physical or mental performance or as the deciding factor for access to services or employment including recruitment, training and promotion opportunities. It can also include using negative descriptions about older or younger people and making nasty jokes (visual, verbal or otherwise) about people of a certain age.

## Appendix 2 – Supporting colleagues and challenging unacceptable behaviour

Often people on the receiving end of unacceptable behaviour at work find it hard to speak out. This could be because of:

- Power relations (a belief that someone more senior cannot be challenged).
- Feeling so uncomfortable they don't want to draw attention to it again, or they don't want to 'make a fuss' because that can invite further discomfort.
- Feeling so shocked that they 'freeze' and are unable to respond.
- Conditioning – believing that something is acceptable when in fact it isn't; or believing that they should ignore rather than challenge because that's what they have been told to do.
- Thinking that others won't think they have the same standards of acceptability, or they won't be believed something happened (where there are no other witnesses).
- Feeling worried that they will be victimised.
- Trauma – in cases of serious harassment or bullying the individual may find it very hard to confront the issue. This is why some cases of abuse are not reported until many years later.

Colleagues play an important role in supporting others on the receiving end of unacceptable behaviour. This could, for example, involve male colleagues challenging sexist behaviour towards female colleagues in the office.

It's important to recognise that because there is a relatively small minority ethnic population in the South West, racism can be more common. Anyone from a minority group can feel very isolated and unable to get the support they need when they experience prejudice and hatred.

Allowing unacceptable behaviour to continue without question or challenge creates a culture that it is acceptable and makes it harder to complain about or address instances of unacceptable behaviour at work.

Here are some basic do's and don'ts to help you support colleagues experiencing unacceptable behaviour:

### Do's

- Help create a culture where 'it is OK to say it's not OK'.
- Challenge appropriately and constructively if you feel able to do so yourself, or with the support of an appropriate third party. This could mean having a 'quiet word' with someone about their behaviour and pointing out that you think it could be upsetting others in the workplace. Sometimes people are unaware that what they said has made others feel uncomfortable ("I was paying a compliment" often being the reason in cases of verbal sexual harassment).
- Give people alternatives. For example, if someone is using inappropriate language, suggest a more acceptable term.
- If an individual approaches you about unacceptable behaviour, place emphasis on the recipient's experience rather than the motivation of the person complained about. It is important to believe them in the first instance.
- Signpost individuals to this policy and the sources of support including routes for reporting incidents/making a formal complaint if necessary.

### Don'ts

- 'Victim blaming' – telling someone that they somehow deserved the unacceptable behaviour at work, for example, a woman is told that she should expect sexual harassment if she wears a short skirt.
- Disregarding something because it happened a long time ago – it may be the first time someone has been able to confront the issue.



- Telling someone they should change their behaviour to avoid unacceptable behaviour – for example, telling someone not to get in a lift with the person who has been harassing them. The unacceptable behaviour needs to be stopped by confronting the person causing it.
- Telling someone they should just ‘put up with it’ because ‘that’s life’. Making comments like “man up”

This appendix aims to provide guidance for those using the Acceptable Behaviour Policy. Additional sources of support are identified in Section 9.2 C of the main policy body. In addition you may wish to discuss with your line manager or a representative of HR.

**Policy History**

Policy / Version Date	Summary of change	Contact	Implementation Date	Review Date
04/12/2019	New Policy Document	WeST HR	12/12/2019	December 2021