

TYNE AND WEAR FIRE AND RESCUE SERVICE (TWFRS)	
DIGNITY AND RESPECT POLICY	
Area Manager HR	Rev August 2013
Admin Procedure 1.19	

DIGNITY AND RESPECT POLICY

1. PURPOSE

- 1.1 This policy is to ensure all TWFRS employees are treated equally and with respect and dignity whilst at work (or work related events) irrespective of race, disability, age, sex, sexual orientation, religion and belief, gender reassignment, marriage and civil partnership, pregnancy and maternity or any other appropriate protected characteristics to create a positive working environment for all.

2. SCOPE

- 2.1 This policy applies to all employees, full and part-time, permanent and temporary and covers harassment, bullying and unreasonable behaviour. It outlines some key definitions to be considered and provides guidance in relation to what to do should such behaviours be demonstrated.
- 2.2 The policy should be read in line with the Equality and Diversity Policy (1.28), Discipline Procedure and Guidance (3.05), Grievance Resolution Procedure (3.16) and Bullying and Harassment – Information and guidelines for employees (Appendix A).

3. DEFINITIONS

3.1 Harassment

- 3.1.1 Harassment is the unwanted conduct that is unwelcome and offensive to either men or women. It can be physical, verbal or non-verbal. Examples of harassment include but are not limited to:
- 3.1.2 Insulting someone or spreading rumours - sharing personal information with others who do not need to know - picking on someone - misuse of power or overloading someone with work to make them look incapable - unwanted sexual advances such as touching, comments, standing too close or displaying or handing out offensive materials, ie nude pictures - blocking promotion or threatening job security for no reason.

- 3.1.3 Harassment is also a form of discrimination. Harassment can include verbal abuse, suggestive remarks and unwanted physical contact. A person may also be discriminated against if they are victimised because they have tried to take action in relation to discrimination.

3.2 **Bullying**

- 3.2.1 Bullying can take many forms: physical bullying (hitting or punching), verbal bullying (name-calling, teasing), social or emotional bullying (exclusion, hurtful gestures), or cyber-bullying (negative messages via e-mail or text messaging).
- 3.2.2 Bullying is often seen as a form of harassment. Bullying is behaviour that is threatening or intimidating – offensive or insulting or humiliating. Bullying may involve a misuse of power by someone in a senior position and is prevalent where the intention is to injure or upset the person being bullied.

3.3 **Victimisation**

- 3.3.1 Victimisation is where a person is treated less favourably than others because they have made, or intend to make, a complaint of discrimination.
- 3.3.2 Any form of harassment or bullying is unacceptable and TWFRS will not tolerate or condone such behaviour. If such behaviour occurs then it will be subject to disciplinary procedure and could lead to dismissal.

3.4 **Types of behaviour** (these lists are not exhaustive)

3.4.1 Physical

- Physical assault or threat of physical assault
- Practical jokes
- Initiation ceremonies
- Damaging or stealing another's property

3.4.2 Verbal

- Shouting or swearing
- Talking about people maliciously
- Public reprimanding or humiliation
- Belittling, patronising comments
- Bringing up someone's past failures
- Unnecessary phone calls to someone's home
- Comments about hours of work or working times
- Jokes which single one particular individual out
- This form of bullying can involve negative language that is sexual in nature. Sometimes, this sexual language refers to another person's actual or perceived sexual orientation (for example, targeting an individual as being "gay").

3.4.3 Non-verbal

- 'Sending to Coventry' in other words, ostracise a person by not talking to them
- Giving someone impossible tasks to do
- Changing objectives and priorities unnecessarily
- Excluding a person
- Arranging meetings or events on a frequent basis when someone is not available

3.5 Disclosure of private information

3.5.1 'Outing' which is the act of disclosing a gay, lesbian, bisexual or transgender person's sexual orientation or gender identity without that persons consent. The term "outing" can also be used to refer to the disclosure of other kinds of information that might be considered private.

3.5.2 Outing gives rise to issues of privacy, choice, hypocrisy, and harm in addition to sparking debate on what constitutes common good in efforts to combat homophobia. It is the choice of an individual to share such information and where a third party is found to be responsible for "outing" an individual or group of people they may be subject to disciplinary action.

4. LEGAL POSITION

4.1 Although it is not possible to make a direct claim to an employment tribunal about bullying, an employee may be able to bring a complaint under laws which cover harassment and discrimination. Harassment covers all protected characteristics except pregnancy and maternity and marriage and civil partnership. The definition also extends to harassment on the association or perception of a protected characteristic.

4.2 The Equality Act 2010

4.2.1 The Equality Act of 2010 specifically prohibits harassment in relation to the following protected characteristics-

- Age
- Disability
- Gender reassignment
- Race
- Religion and belief
- Sex; and
- Sexual orientation

4.3 The Protection from Harassment Act 1997

- 4.3.1 The Protection from Harassment Act makes it a criminal offence to pursue a course of conduct, which amounts to harassment of a person. This is a very important piece of legislation which can potentially provide protection in cases of racial harassment, bullying at work, as well as hate mail and persistent unwanted telephone calls.
- 4.3.2 Harassment is not defined in the Protection from Harassment Act and so it will be a matter for assessment based on each case.

5. PROCESSES AND PROCEDURES FOR DEALING WITH COMPLAINTS OF HARASSMENT OR BULLYING

- 5.1 These procedures do not replace or detract from any employee's statutory rights under discriminatory legislation provisions. This is an internal process and should be treated in accordance with TWFRS Discipline and or Grievance Procedures.

5.2 Informal Procedure

- 5.2.1 Most employees simply want the behaviour to stop. The person who feels they have been subject to harassment may decide to:
- Do nothing. Having sought advice and information and talked about the situation, the individual may feel that they do not wish to pursue the matter and this is their choice.
 - Make the person aware that their behaviour is unacceptable and that they should stop. This is often the most successful method of stopping unacceptable behaviour although it is often hard for the person feeling harassed to tackle. It is acceptable to bring a colleague along for support or if preferred to put it in writing. The complaint should be outlined giving specific examples as well as their impact.
- 5.2.2 All efforts should be made to resolve the issue informally before raising the issue at a formal level. The informal procedure is normally appropriate for "minor" harassment or where it has not been repeated. However, employees are entitled to instigate the formal procedure at any time.

5.3 Formal Procedure

- 5.3.1 Action may be taken in line with the TWFRS Discipline and or Grievance Procedures and is instigated by the employee who feels harassed or bullied by contacting their line manager, or another manager or person of their choice with who they may feel more comfortable with, following which a formal investigation will be carried out.

- 5.3.2 At all times during the investigation matters will be dealt with in a thorough and impartial manner and all parties concerned will be given a fair hearing and an opportunity to give their version of events.
- 5.3.3 At all times including the informal stage, confidentiality will be paramount and any evidence gathered as part of a complaint or investigation will be treated as confidential, subject to any statutory requirement.
- 5.3.4 Potential actions following investigation include one of the following decisions being made:
- Take no further action
 - Recommend action other than the Discipline Procedure to resolve the situation
 - Initiate Discipline Procedure
- 5.3.5 The outcome of the investigation will be communicated fully to all involved.

Bullying and Harassment

Information and guidelines for employees



**THIS INFORMATION BOOKLET IS FOR ALL EMPLOYEES OF
TYNE & WEAR FIRE & RESCUE AUTHORITY**

BULLYING AND HARASSMENT

Everyone should be treated with dignity and respect at work

**This booklet is to be read in conjunction with the Equality and Diversity Policy 1.28
and the Dignity and Respect Policy 1.19**

Bullying and harassment of any kind are in no-one's interest and should not be tolerated in the workplace, but if you are being bullied or harassed it can be difficult to know what to do about it. If you are a witness to bullying and harassment of any kind you also need to know what action you can take.

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What is bullying? What is harassment?

Bullying and harassment are terms often used interchangeably on a day to day basis.

Some people believe that harassment is totally different from bullying, others that bullying and harassment are exactly the same. It can manifest itself in different ways.

Whichever word is used, or which way it is looked at in whatever form it takes, the common factor is that they relate to unequal power in the workplace and neither bullying nor harassment should be tolerated in the workplace.

Bullying may be characterised as

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment, in general terms is

Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal feature or characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

“Workplace bullying is repeated, unreasonable behaviour directed towards an employee or group of employees, that creates a risk to health and Safety”

“Unreasonable behaviour” means that a reasonable person, having regard to all the circumstances would expect to victimise, humiliate, undermine and threaten.

Behaviour includes the actions of individual or group, and may involve using work as a means of victimising, humiliating or threatening.

“Risk to Health and Safety” includes risk to the mental or physical health of the employee.

European Commission

Recognising bullies

Anyone can be guilty of bullying behaviour. It is the easiest thing in the world to pick on somebody, however, most decent people **stop and feel remorseful** when they realise the effect their unacceptable behaviour is having on the recipient. This reaction is normal and most people have all been guilty of losing their temper or hurling abuse momentarily.

Bullies do not have a momentary behavioural glitch. Bullies know exactly what they are doing and how to go about it and it is often difficult to spot the reason for the bullying.

Bullying or harassment may be by an individual against an individual or involve groups of people.

Bullying is behaviour, behaviour is a choice, and therefore bullying is a choice.

Bullies can be of any sex, race, religion, age, sexual orientation or ability and employed within any role at any grade.

Bullying and harassment can be hard to recognise. It may not be immediately obvious to you or to others.

Think about the information within this booklet. If you are in doubt you have every right to take further advice without being victimised for your actions.

“I don’t think bullies remember who they bullied. It’s the bullied who remember who the bullies were.”

Sir Ranulph Fiennes, explorer

Examples of bullying / harassing behaviour

Bullying and harassment are not necessarily face to face. They may also occur in written communications, e-mail, phone, text, photographs, pictures etc.

- Spreading of malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of race, sex, disability, sexual orientation and religion or belief for example).
- outing someone as being gay - this can be done maliciously to hurt someone or it can be done by a person who thinks they are being helpful. However, use of private information without an individual's permission, regardless of intention, is unacceptable.
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone - picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- over-bearing supervision or other misuse of power or position
- unwelcome sexual advances - touching, standing too close
- the display of offensive materials
- making threats or comments about job security without foundation
- deliberate undermining of a competent worker by overloading and constant criticism
- the prevention of individuals progressing by intentionally blocking promotion or training opportunities.

This is not an exhaustive list. Remember...

Bullying may be characterised as

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment, in general terms is

Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal feature or characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Bullying is NOT

- Legitimate and fair criticism of someone's work
- Legitimate and fair criticism of someone's behaviour at work
- Proper and correct monitoring of an employee under published policies and procedures
- A change of targets to suit business needs

Banter and overhearing banter

Banter can often get out of hand and end up doing the opposite of its intention, which is to create a happy and productive workplace.

You have to decide what is and what isn't acceptable as banter: it is not just enough for you to know what you will or will not get involved in, you also need to find out what is acceptable to all the individuals involved.

Banter in itself is not bullying, but if it moves into the area of constantly picking on something about somebody that they find hurtful, then you have to accept that it is their right not to have it to happen to them and you and/or the group must stop.

If you do not stop then there is no doubt that you will be bullying them and making them feel uncomfortable.

Banter that may not be offensive to one individual may well offend someone overhearing it. Even though remarks may not be intended for them they have a right not to be subjected to it.

- Always ensure remarks you make do not offend
- Always ensure that people **not involved** in the banter are not likely to be offended
- Racist remarks are never acceptable
- Sexual touching is never acceptable
- Homophobic remarks are never acceptable
- Bigotry is never acceptable

If you do not accept personal responsibility and take appropriate action when you overhear or witness such actions you will be as guilty as those doing it.

Effects of bullying and harassment

Bullying and harassment make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation.

Almost always job performance is affected and relations in the workplace suffer. Ultimately the costs to the business may include poor employee relations, low morale, inefficiency and potentially the loss of staff.

Bullying and harassment has been known to end in the victim taking their own lives.

What does bullying do to my health?

Bullying causes injury to health and can make you ill. Some reactions to bullying include:

- constant high levels of stress and anxiety
- frequent illness such as viral infections especially flu and glandular fever, colds, coughs, chest, ear, nose and throat infections (stress plays havoc with your immune system)
- aches and pains in the joints and muscles with no obvious cause; also back pain with no obvious cause and which won't go away or respond to treatment
- headaches and migraines
- tiredness, exhaustion, constant fatigue
- sleeplessness, nightmares, waking early, waking up more tired than when you went to bed
- flashbacks and replays, obsessiveness, can't get the bullying out of your mind
- irritable bowel syndrome
- skin problems such as eczema, psoriasis, athlete's foot, ulcers, shingles, urticaria
- poor concentration, can't concentrate on anything for long
- bad or intermittently-functioning memory, forgetfulness, especially with trivial day-to-day things
- sweating, trembling, shaking, palpitations, panic attacks
- tearfulness, bursting into tears regularly and over trivial things
- uncharacteristic irritability and angry outbursts
- hypervigilance (feels like but is not paranoia), being constantly on edge
- hypersensitivity, fragility, isolation, withdrawal

- reactive depression, a feeling of woebegoneness, lethargy, hopelessness, anger, futility and more
- shattered self-confidence, low self-worth, low self-esteem, loss of self-love, etc

You may wish to take advice from your own Doctor or you may consider utilising the services provided by Tyne and Wear Fire and Rescue which include:

- Occupational Health Team Member 0191 444 1982
- Welfare Officer 0191 444 1985

What should I do?

Your options

1. Tell the person to stop whatever it is they are doing that is causing you distress, otherwise they may be unaware of the effect of their actions.

If you cannot confront the bully, consider writing a memo to them to make it clear what it is you object to in their behaviour. Keep copies of this and any reply.

If you find it difficult to tell the person yourself, you may wish to ask a colleague or someone else to act on your behalf such as:

- A Trade Union Representative
- Safecall
- Welfare Officer
- Occupational Health Team Member
- A manager or supervisor
- Equality and Resources Manager
- Human Resources Manager or staff member

2. You may wish to take informal advice from sources above.
3. You are entitled to follow the formal Grievance and Resolution Procedure 3.16 should you wish to do so.

Consequences for people who bully / harass or protect others who bully / harass

All employees have a **responsibility** to ensure that they behave in a way which cannot be construed as bullying or harassing.

Should anyone be proven guilty of charges of bullying and or harassment, the penalties are severe and disciplinary measures will be instigated up to and including dismissal.

- You may not get to keep your job
- You may not get promoted
- You may lose money if your pay is linked to performance
- You may not get the best out of your team
- You may fall foul of the law
- You could be personally liable
- You could be summoned to an employment tribunal

Confidentiality

The Authority recognises that employees do not normally make serious accusations unless they feel seriously aggrieved and any complaint received by any point of contact will be taken seriously and dealt with promptly, objectively and **in confidence**.

Only those directly involved will be provided with information as required in order to carry out the necessary investigation or actions required.

Remember that all employees have a **responsibility** to ensure that they behave in a way that cannot be construed as bullying or harassing.

Morality and Legality

Employers have a 'duty of care' for all their employees. If the mutual trust and confidence between employer and employee is broken - for example, through bullying and harassment at work - then an employee can resign and claim 'constructive dismissal' on the grounds of breach of contract. Employers are usually responsible in law for the acts of their workers.

Breach of contract may also include the failure to protect an employee's health and safety at work. Under the Health and Safety at Work Act 1974 employers are responsible for the health, safety and welfare at work of all employees.

If despite all your efforts, nothing is done to prevent the mistreatment, you should take advice on your legal rights. If you leave and make a claim to an employment tribunal, the tribunal will expect you to have tried to resolve the problem with the organisation, and any records you have kept will be considered when it hears your claim. This is also the case in claims alleging discrimination, where you might still be employed by the organisation. Resignation may be the last resort but make sure you have tried all other ways to resolve the situation.

An Employment Tribunal may take the following pieces of legislation into consideration:

Health and Safety at Work Act 1974

Equality Act 2010

Trade Union Reform and Employment Rights Act 1993

Criminal Justice and Public Order Act 1994

Employment Rights Act 1996

Protection from Harassment Act 1997

Public Interest Disclosure Act 1998

Related Documents

This booklet is to be read in line with the following associated policies and procedures-

Admin Procedure 3:16
Grievance Resolution Procedure – All Staff

Admin Procedure 1:28
Equality and Diversity Policy

Admin Procedure 1.19
Dignity and Respect Policy

Admin Procedure 3:20
Code of Conduct – All Personnel

Commitment by the Tyne and Wear Fire and Rescue Authority

The Authority demands a culture where all employees are treated with dignity and respect and that there is continuous improvement in all equality matters.

Employees are reminded that any breach of the above policies and procedures, including the general principles therein, will not be tolerated and may lead to disciplinary action being taken.

Booklet Review

This booklet will be reviewed on an annual basis or when required by policy or legislative change.

Responsibility for the review will lie with the Area Manager Human Resources Learning and Development with assistance from the Equality and Resources Manager.