

Dignity at Work

People Policy



Highlands and Islands Enterprise
Iomairt na Gàidhealtachd 's nan Eilean

POLICY SUMMARY

Highlands and Islands Enterprise (HIE) is committed to providing a working environment free from harassment or bullying and ensuring all employees are treated, and treat others, with dignity and respect.

This policy sets out our organisational commitment to preventing bullying or harassment at work, including the procedure for raising and investigating complaints of bullying or harassment. This policy is designed to complement our Equality, Diversity and Inclusion policy.

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1. Policy statement

HIE believes that having a culture that is diverse, equitable and inclusive is core to everything we strive to achieve and to the organisational environment we wish to protect.

This policy aims to ensure that any formal complaint or allegation raised is fully investigated and aims to provide a fair and consistent framework for the handling complaints of bullying or harassment at HIE. The guidance contained in this policy is non-contractual and does not form part of any employee's terms and conditions of employment.

2. Scope

This policy covers bullying or harassment which occurs at work and out of the workplace where this relates to work, such as on work trips or at work-related events or social functions.

The principles of this policy apply to all employees, consultants, contractors, secondees, volunteers, casual workers and agency workers and also third parties such as customers, suppliers or visitors to our premises or who engage with HIE as an organisation for example through recruitment or procurement processes.

This policy does not form part of any employee's contract of employment, and we may amend it at any time.

3. Principles

We believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong. We are committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the wellbeing of the workforce as well as the wider organisation. We therefore adopt a zero-tolerance approach to instances of bullying or harassment. The following principles will therefore apply:

- We expect every one of our people to take personal responsibility for observing, upholding, promoting and applying this policy. Whatever your job is, this is part of your role.
- Any dealings with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying. For more information on discrimination and victimisation, please refer to HIE's Equality, Diversity and Inclusion (EDI) Policy.
- If any of our people are found to have committed, authorised or condoned an act of bullying or harassment, we will take action against them (for those to whom it applies) under our Disciplinary Policy, up to and including dismissal.

- There is no justifiable reason to bully or harass someone else. For example, observing a particular religion is not a legitimate reason for bullying or harassing a colleague because of their sexual orientation. Even if there is no intention to bully or harass someone else, this does not legitimise the behaviour as it is the impact on the recipient that is considered.
- You should be aware that you can be personally liable for bullying or harassment
- If you experience bullying or harassment, we encourage you to speak up without delay and to ask for appropriate support. You should always make attempts in the first instance to resolve matters informally.

4. Discrimination

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;
- religion or belief;
- sexual orientation; and
- age.

Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any ground to be unacceptable.

5. What is harassment?

5.1 What is harassment?

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- offensive e-mails, text messages or social media content; and mocking, mimicking or belittling a person

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 the jokes create an offensive environment.

5.2 What is sexual harassment?

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

6. What is bullying?

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. 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.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- physical or psychological threats;
- overbearing and intimidating levels of supervision; and
- inappropriate derogatory remarks about someone's performance;

Legitimate, reasonable and constructive criticism of an individual's performance or behaviour, or reasonable workplace instructions, will not amount to bullying on their own.

7. What is victimisation?

Victimisation is when someone is treated less favourably as a result of being involved with discrimination or harassment complaint.

The law says victimisation means 'suffering a detriment' because you've done or intend to do a 'protected act'.

A 'protected act' means taking action related to discrimination law. This includes:

- making a complaint of discrimination or harassment
- supporting someone else's complaint
- gathering information that might lead to a complaint
- acting as a witness in a complaint
- saying something or giving evidence that does not support someone else's complaint

The law also protects a person from victimisation when someone else thinks the person has done or intends to do any of the things above.

'Detriment' means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

7.1 Acting in good faith

The law only protects someone from victimisation if they've done something 'in good faith'. This means not acting maliciously. Someone is not protected from victimisation if they:

- deliberately give false evidence
- deliberately make a false allegation of discrimination or harassment

8. Microaggressions

Microaggressions are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority that can have a cumulative negative impact.

Microaggressions generally take one of three forms:

- **Micro-assaults:** Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group.
- **Micro-insults:** Unintentionally insensitive remarks or assumptions based on stereotypes.
- **Micro-invalidations:** Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group.

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

HIE expects all employees, workers, contractors, consultants (and anyone else covered by this policy) to consider their own behaviour and actions and the potential impact on others.

9. Informal resolution

If you are harassed or bullied or if you are aware of another individual being harassed or bullied, and depending on the seriousness the particular situation, you should consider whether you feel able to raise the problem informally with the person(s) responsible. If this is not appropriate or is otherwise too difficult or embarrassing, you should speak to your line manager in the first instance (or another manager if the matter concerns your line manager), or a member of the HR team, who can provide confidential advice and assistance in resolving the issue, either informally or formally.

If informal steps are not appropriate, or have not been successful, you should follow the formal procedure set out below.

10. Raising a formal complaint

If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to your line manager (or another manager, or HR, if the matter concerns your line manager or you do not feel comfortable submitting your complaint to your line manager).

Your written complaint should state that it is a formal complaint made under this policy. You should set out full details of the alleged conduct in question, including the name(s) of the alleged harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

As a general principle, the decision whether to progress a complaint is up to the alleged victim. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

11. Formal investigation

HR will appoint someone to investigate your allegation or complaint. This may be your line manager, however, where your allegation or complaint concerns your line manager or where your line manager has previously been materially involved in the matter, another individual will be appointed to conduct the investigation. Investigations will be conducted in a timely manner and will follow the same timescales outlined in our grievance policy.

HR will arrange an investigation meeting with you to discuss the matters raised in your written complaint. You must make every effort to attend the investigation meeting and must let us know as soon as possible if, for any unavoidable reason, you are unable to attend.

We will carry out such further investigation as is appropriate. It may be necessary to arrange meetings with other individuals (e.g. if they witnessed the alleged conduct in question), as determined by the investigator.

During the formal investigation, we will use our discretion to take appropriate action depending on the specific circumstances. This may include suspending any employee(s) who the alleged conduct relates to, in accordance with HIE's Disciplinary Policy or making temporary changes to working arrangements.

At the end of the investigation, the investigator will submit an investigation report, in a timely manner, containing the findings of the investigation, to the decision-maker appointed to consider your complaint and come to a decision. The decision-maker will usually be a manager with no previous involvement in the complaint. You will also receive a copy of the report.

12. Formal complaint outcome

The decision-maker will arrange a meeting with you in a timely manner, in order to discuss your complaint and the investigation report. You must make every effort to attend the meeting and must let us know as soon as possible if, for any unavoidable reason, you are unable to attend. The decision-maker may carry out further investigations as considered appropriate.

The decision-maker will then write, in a timely manner, to you to inform you of the outcome of your complaint and what action, if any, should be taken. Where your complaint is upheld and the alleged bully or harasser is an employee of HIE, the matter will be dealt with under HIE's Disciplinary Policy.

Whether or not your complaint is upheld we will also consider how best to manage ongoing working relationships. It may be appropriate to change working arrangements or to arrange mediation.

Any staff member who deliberately provides false information or otherwise acts in bad faith as part of the procedures set out in this policy may be subject to action under HIE's Disciplinary Policy.

13. Appeal

If you are not satisfied with the outcome you may appeal in writing, setting out your full grounds of appeal by the deadline stated in the outcome letter.

An appeal manager will be appointed to hear your appeal. The appeal manager will usually be more senior to the decision-maker, with no previous involvement in the complaint.

The appeal manager will arrange a meeting with you in a timely manner, in order to discuss your appeal. You must make every effort to attend the investigation meeting and must let us know as soon as possible if, for any unavoidable reason, you are unable to attend.

The appeal manager may carry out further investigations as considered appropriate.

The appeal manager will then write to you, in a timely manner, to inform you of the outcome of your appeal. This is the end of the procedure and there is no further appeal.

14. Right to be accompanied

You may bring a companion to any meeting at any stage of the procedures set out in this policy. The companion may be either a trade union representative or a colleague. You must tell us who your chosen companion is, in good time before the meeting.

At the meeting, your companion may make representations and ask questions, but should not answer questions on your behalf. You may talk privately with your companion at any time during the meeting.

Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

Your companion must make every effort to attend the meeting at the scheduled time. If your chosen companion is unavailable and will not be available for more than five working days afterwards, we may ask you to choose someone else.

15. Protection and support for those involved

Anyone who makes a complaint or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Policy and Procedure.

If you have difficulty at any stage of the procedures set out in this policy, e.g. because of a disability or because English is not your first language, you should discuss this with your line manager or a member of the HR team as soon as possible.

Support is available to all employees under our Employee Assistance Programme. If you are feeling under pressure, anxious or worried and need someone to talk to, you have free unlimited access to a confidential information and counselling service to help you deal with a range of issues. As well as the telephone support that's immediately available 24/7 on 0800 032 9849 there is also the opportunity to access up to six individual counselling sessions. Although provided through HIE, the scheme is completely confidential. More information can be found on the [HIE intranet EAP scheme](#) page.

HIE runs a Mental Health First Aider scheme and has appointed a number of Mental Health First Aiders across the organisation. A current list of MHFAs can be found on the [Intranet Site](#). Employees are encouraged to contact one of the MHFA team if they feel they need support.

16. Confidentiality and record-keeping

We want individuals to feel comfortable about raising a concern openly and would encourage this. Where a concern is raised we will maintain confidentiality as far as possible.

Confidentiality is an important part of the procedures set out in this policy. Details of any investigation, outcome and appeal and the names of the person raising the concern and any other person(s) concerned must only be disclosed on a "need to know" basis. It may be necessary for us to withhold or redact documents in order to maintain confidentiality. Any individual involved in the procedures under this policy is expected to respect confidentiality. Breach of confidentiality may give rise to disciplinary action under HIE's Disciplinary Policy.

Concerns may be raised where an individual wishes to remain anonymous and we would encourage anonymous reporting over remaining silent. Although we will investigate any anonymous concern as best we can, it is likely to be more difficult to investigate and report back.

Information about a complaint may be placed on an employee's personnel file, along with a record of any outcomes and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy and Retention Schedule.

You and anyone accompanying you must not make electronic recordings of any meetings under the procedures set out in this policy. If you or anyone accompanying, you are found to have made an electronic recording this may be dealt with under HIE's Disciplinary Policy.

17. Records

Any formal complaint submitted will be held on your employee file. Full details on retention periods relating to employee records can be found in the [retention schedule](#).

18. Training

HIE will ensure that an on-going training and awareness is provided to line managers and employee groups.

HIE will also ensure that systems are in place to communicate the policy to new employees during their induction to HIE.

19. Related policies/guidance

This policy should be read in conjunction with other relevant [HIE policies, procedures and guidance](#), including, but not limited to:

- Conducting an investigation – Guidance for managers
- Grievance policy
- Disciplinary policy
- Equality, diversity and inclusion policy
- Unacceptable actions policy

20. Monitoring and review

This policy is subject to monitoring and shall be reviewed by HR every two years or sooner as required by business needs or legislative changes.

Policy Owner:	Human Resources	Last reviewed:	September 2024
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