**Dignity at Work Policy**

**Document Control**

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Contents

[1. Policy Statement 3](#_Toc182580309)

[2. Scope and Purpose 3](#_Toc182580310)

[3. Who is responsible 4](#_Toc182580311)

[4. Forms of Discrimination 4](#_Toc182580312)

[5. Disability Discrimination 4](#_Toc182580313)

[6. Harassment 5](#_Toc182580314)

[7. Sexual Harassment 5](#_Toc182580315)

[8. Victimisation 6](#_Toc182580316)

[9. Bullying 6](#_Toc182580317)

[10. What to do if you witness sexual harassment or victimisation 7](#_Toc182580318)

[12. Making a complaint - informal stage 8](#_Toc182580319)

[13. Raising a Formal Complaint 8](#_Toc182580320)

[14. Making a complaint - formal investigation 9](#_Toc182580321)

[15. Action following the investigation 10](#_Toc182580322)

[16. Appeals 10](#_Toc182580323)

[17. Protection and support for those involved 11](#_Toc182580324)

[19. Training 11](#_Toc182580325)

[20. Monitoring and review of this policy 11](#_Toc182580326)

# 1. Policy Statement

* 1. Our aim is to create an environment in which all individuals are able to make best use of their skills, and have the same opportunity, free from discrimination or harassment, and in which all decisions are based on merit. As such, De Montfort Students’ Union (DSU) is committed to providing a working environment where all staff are treated, and treat others, with dignity and respect. We have a zero tolerance towards hate, sexual harassment and victimisation.
	2. This policy outlines our commitment to promoting and encourage equality, diversity and inclusion among our workforce, and eliminating unlawful discrimination.
	3. We are committed to the goal of no sexual harassment or victimisation in our workplace.

1.4 We aim for our workforce to be truly representative of all cross sections of society and for each employee to feel respected and able to give their best. We do not discriminate against staff on the basis of any protected characteristic as detailed in the equality act 2010 or socio-economic status.

1.5 DSU will provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time.

1.6 The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat students, visitors, clients, customers, suppliers, job applicants and former employees.

1.7 All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times and not to discriminate against or bully or harass other staff, regardless of their status.

# 2. Scope and Purpose

2.1 This policy applies to all staff, student members, contractors and any other third parties.

2.2 This policy applies to all aspects of DSU’s relationship with staff and to relations between staff members at all levels. This includes, but not limited to, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures and termination of employment, flexible working requests, leave for parents.

2.3 We will take appropriate steps to accommodate the requirements of different religions, beliefs, cultures and domestic responsibilities.

2.4 This policy covers behaviour which occurs in the following situations:

* a work situation
* a situation occurring outside of the normal workplace or normal working hours which is related to work, e.g. a working lunch, a business trip or social functions
* outside of a work situation but involving a colleague or other person connected to the Organisation, including on social media
* against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

# 3. Who is responsible

3.1 The Chief Executive Officer (CEO) has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day-to-day operational responsibility has been delegated to the Senior Management Team (SMT) with support from the Operations Manager**.**

3.2 All managers of DSU must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. All employees complete mandatory Equality, Diversity and Inclusion and Sexual Harassment Training.

3.3 All staff are responsible for ensuring that their own behaviour, whether intentional or unintentional, is not violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive workplace. Where necessary, all staff should be prepared to be challenged over their own behaviour.

3.4 If you have any questions about the content or application of this policy, you should contact your Line Manager in the first instance.

# 4. Forms of Discrimination

4.1 Discrimination by or against any staff member is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

4.2 Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above.

4.3 Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage.

4.4 Victimisation is also prohibited. This is defined as less favourable treatment of someone who has complained or given information about discrimination, bullying or harassment, or supported someone else’s complaint.

# 5. Disability Discrimination

5.1 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate. We want to work with you on solutions or adjustments that are driven by your individual needs.

5.2 If you experience difficulties at work because of your disability, we ask that you speak to your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty.

5.3 We conduct regular monitoring of our offices and premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff and service users

5.4 DSU aims to support a working environment and culture that positively promotes disability awareness. Full details of our commitment to disability are found in the **‘Disability Policy’.**

# 6. Harassment

* 1. In discrimination law (Equality Act 2010) there are 3 types of harassment:
* harassment related to certain 'protected characteristics'
* sexual harassment (see section 7)
* less favourable treatment as a result of harassment

6.2 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 can be harassment if the behaviour has one of these effects even it was not intended or it was intended to have one of these effects even if it did not.

6.3 Harassment may include, for example, but not limited to:-

* unwanted physical conduct
* continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
* racist, sexist, homophobic or ageist jokes or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
* outing or threatening to out someone as a member of the LGBTQIA+ community
* offensive emails, text messages, voice notes or social media content;
* mocking, mimicking or belittling a person’s disability.

6.4 A person may be harassed even if they were not the intended ‘target’. For example, if a joke is made against a protected characteristic even though the persons present do not themselves ‘have’ that protected characteristic, the joke may create an offensive environment and could be classed as perceived discrimination.

6.5 By law, whether someone's behaviour counts as harassment depends on the circumstances of the situation, how the person receiving the unwanted behaviour views it and if the person receiving the behaviour is 'reasonable' to view it as they do.

# 7. Sexual Harassment

7.1 Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It also covers treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.

7.2 Sexual harassment may be committed by a colleague, a student, an agent of an organisation, or a third party. It does not need to occur in person. It can occur via digital means. Someone may be sexually harassed even if they were not the target of the behaviour. Examples of sexual harassment include, but are not limited to:

* sexual comments or jokes, which may be referred to as “banter”
* displaying sexually graphic pictures, posters or photos
* suggestive looks, staring or leering
* propositions and sexual advances
* making promises in return for sexual favours
* sexual gestures
* intrusive questions about a person’s private or sex life or a person discussing their own sex life
* sexual posts or contact in online communications, including on social media
* spreading sexual rumours about a person
* sending sexually explicit emails, text messages or messages via other social media
* unwelcome touching, hugging, massaging or kissing
* sexual posts or contact in online communications, including on social media, emails, text messages, voice notes, video clips and images sent by mobile phone or posted on the internet.
* unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless)

# 8. Victimisation

8.1 Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do, an act which is protected under discrimination and harassment laws. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

8.2 Examples of victimisation may include:

* failing to consider someone for promotion because they have previously made a sexual harassment complaint
* dismissing someone because they accompanied a colleague to a meeting about a sexual harassment complaint
* excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

# 9. Bullying

9.1 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 personal strength and the power to coerce through fear or intimidation.

9.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include by way of example, but not limited to:

* + physical or psychological threats;
	+ overbearing and intimidating levels of supervision;
	+ inappropriate derogatory remarks about someone’s performance.

9.3 Legitimate, reasonable and constructive criticism of a worker’s performance or behaviour or reasonable instructions given to workers in the course of their employment will not amount to bullying on their own.

# 10. What to do if you witness sexual harassment or victimisation

10.1 If you witness sexual harassment or victimisation, you are encouraged to take appropriate action to address it. You should not take any action that may put you at risk of sexual harassment or other harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been sexually harassed and encouraging them to report the incident or reporting the incident yourself following the guidance in this policy.

**11. Third-party sexual harassment**

11.1 Third-party sexual harassment occurs when a member of our workforce is subjected to sexual harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes the university, students, suppliers, members of the public, contractors, etc.

11.2 Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.

11.3 The law does not provide a mechanism for individuals to bring a claim of third-party harassment alone. However, failure for an employer to take reasonable steps to prevent third-party sexual harassment may result in legal liability in other types of claim.

11.4 In order to prevent third-party sexual harassment from occurring, we will:

* attach signage to the walls of the areas within the workplace where customers are present to warn that sexual harassment of our staff is not acceptable
* inform third parties (ie suppliers) of our zero-tolerance sexual harassment policy within our supplier documentation
* inform third parties via communication on our website.
* All DSU email signatures will point to our Governance pages where policies related to Dignity at Work and more will be listed for ease of access and to aid reporting of any incidents

11.5 If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible following the guidance in this policy.

11.6 Should a customer sexually harass a member of our workforce, and DSU are informed we will report this as an incident to Security and respond swiftly. This may include taking steps to ban the customer from the premises, report a breach of the student code of conduct for investigation (if the customer is a student) and share information relating to the incident with connections within the City, University and sector. We may lodge a formal complaint with any third party employer and regulatory body associated with them. Any criminal acts will be reported to the police.

11.7 Should a customer sexually harass a member of our workforce and is a university member of staff, we will also report this incident directly to DMU HR Services for investigation.

11.8 We will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action, including termination of employment.

# 12. Making a complaint - informal stage

12.1 If you are being harassed or bullied or you believe you are being discriminated against, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable or is discriminatory. If this is too difficult you should speak to your line manager or the Operations Manager who can provide confidential advice and assistance in resolving the issue formally or informally.

12.2 We recognise that complaints of sexual harassment or victimisation can be of a sensitive or intimate nature and although we recommend you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop, we appreciate you may not feel comfortable to do so or that it may not be appropriate for you to raise the issue directly with the person responsible. In these circumstances, you are encouraged to raise such issues with a colleague of your choice (whether or not that person has direct line management responsibility for you). This person cannot be the same person who will be responsible for investigating the matter if it becomes a formal complaint but don’t let that deter you from reaching out, DSU will assign someone else to investigate and do so swiftly and confidentially.

12.3 In addition, you may also choose to raise concerns during your regular communication with your line manager, e.g. in a one-to-one meeting. Your line manager will listen to you and take your concerns seriously if you do this but may encourage you to follow the formal reporting procedures. If you don’t have a one-to-one meeting scheduled with your manager, you can ask to meet with them to discuss any concerns that you may have.

12.4 If you are not certain whether an incident or series of incidents amounts to bullying, harassment, sexual harassment or discrimination you should initially contact your line manager or the Operations Manager informally for confidential advice.

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

#  13. Raising a Formal Complaint

13.1 You will not be victimised for having brought a complaint. If you wish to make a formal complaint about bullying, harassment, sexual harassment, victimisation or discrimination, you should submit it in writing to your line manager, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person, you should refer it to the Head of Finance, People and Central Services.

13.2 Your written complaint should set out full details of the conduct in question, including the name of the person you believe has acted inappropriately, the nature of the alleged incident, 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.

13.3 As a general principle, the decision whether to progress a complaint is up to you. 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.

13.4 On receipt of a formal complaint, we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

13.5 The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. The meeting will normally be held within five working days of receipt of your complaint. You have the right to be accompanied at such a meeting by a colleague or a trade union representative of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence may be dealt with under the disciplinary procedure.

13.6 On conclusion of the investigation, which will normally be within 10 working days of the meeting with you, the decision of the investigator, detailing the findings, will be sent in writing to you.

# 14. Making a complaint - formal investigation

14.1 We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint, or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

14.2 We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.

14.3 Where your complaint is about a staff member, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the other staff member concerned who may also be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

14.4 Where your complaint is about someone other than a staff member, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

14.5 We will also consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged wrongdoer.

14.6 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

14.7 At the end of the investigation, the investigator will submit a report to a Senior Manager nominated to consider the complaint. The Senior Manager will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting.

# 15. Action following the investigation

15.1 If the deciding manager considers that bullying, harassment, sexual harassment, victimisation or discrimination has occurred, prompt action will be taken to address it.

15.2 Where the wrongdoer is a staff member the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure. If the wrongdoer is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem.

15.3 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

15.4 Any staff member who is not willing to engage in the process or deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

# 16. Appeals

16.1 If you are not satisfied with the outcome you may appeal in writing to the CEO, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

16.2 If your complaint relates to the CEO you should write to the Chair of the Trustee Board dsutrusteeboard@dmu.ac.uk

16.3 We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by the CEO. You may bring a colleague or trade union representative to the meeting, the same rules of engagement and confidentiality apply

16.4 We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

# 17. Protection and support for those involved

17.1 Regardless of the outcome of the procedure, we are committed to providing the support you may need. This may involve mediation between you and the other party or some other measure to manage the ongoing working relationship.

17.2 Staff who make complaints 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 Procedure.

17.3 If you believe you have suffered any such treatment you should inform your line manager. If the matter is not remedied, you should raise it formally using our **Grievance Procedure** or this procedure if appropriate.

17.4 Support is also available from PAM Assist EAP (Employee Assistance Programme). The free and confidential service is available 24 hours a day and 7 days a week. You can self-refer by calling 0800 882 4102. Alternatively, you can log into the EAP portal by entering DMU1 for the username and dmu1 for the password.

**18. Confidentiality and Record Keeping**

18.1 Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis or if requested as part of a data protection subject access request. Breach of confidentiality whether intentional or unintentional may result in disciplinary action under our Disciplinary Procedure.

18.2 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

# 19. Training

19.1 We provide mandatory training to all our staff on Equality, Diversity and Inclusion, and sexual harassment.

19.2 We ensure that all levels of management are trained on implementing this policy, including preventing and managing sexual harassment in the workplace and the procedure to follow if an allegation is reported.

19.3 We will regularly review the effectiveness of our training and provide refresher training every 3 years or as appropriate.

# 20. Monitoring and review of this policy

20.1 This policy will be revised periodically, giving due consideration to any legislative changes where necessary amendments may be made.

20.2 This policy does not form part of any employee’s contract of employment and may be amended at any time.