Dignity at Work and the Management of Harassment and Bullying

Health Education England Wessex Guidance

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1. Purpose

1.1. As an equal opportunities organisation with a diverse group of trainees for whom we have responsibilities, Health Education England (HEE) Wessex supports a working environment for individuals in which dignity at work is paramount. HEE Wessex is committed to promoting a working environment and culture which is free from any form of bullying or harassment and which, as a consequence, will enable all trainees to contribute more effectively, achieve higher levels of job satisfaction and perform to the best of their ability.

1.2. The purpose of this guidance is to:

- Raise awareness amongst all trainees that harassment and bullying of any kind will not be tolerated;
- Provide definitions of what constitutes harassment and bullying, as well as the positive behaviours HEE Wessex requires all trainees to display;
- Clearly define the process for dealing with allegations of harassment or bullying.

2. Principles

2.1. This guidance covers all trainees regardless of role or location of employment.

2.2. HEE Wessex recognises that all trainees have the right to be treated with consideration, dignity and respect whilst at work. HEE Wessex seeks to support trainees in their working life and aims to promote a positive and fulfilling environment in which to work. This guidance promotes the respectful treatment of trainees within the Trust where they work and the protection of trainees from bullying and harassment at work. Bullying and harassment will not be tolerated by HEE Wessex in any form.

2.3. Each trainee has a personal responsibility for their own behaviour and is responsible for ensuring that their conduct is in line with the standards set out in this guidance.

2.4. The following are examples of the positive behaviours, which HEE Wessex requires:

- Mutual helpfulness, understanding and trust;
- Respect for different backgrounds and talents;
- Being able to influence each other’s ideas and a willingness to listen and be influenced;
- Respecting confidences;
- Understanding someone else’s point of view/displaying empathy;
- Doing what you say you will do;
- A high level of rapport, openness and honesty with each other;
- Straightforward communication;
- Giving constructive feedback;
• Creative and collaborative problem solving;
• Willingness to work through conflict and disagreement.

These qualities should form the basis of interpersonal relationships in the work environment and should facilitate both enhanced performance and improved working lives for all.

2.5. Allegations raised regarding bullying and harassment should be taken seriously and treated confidentially by employing Trusts and HEE Wessex.

3. Definition

3.1. What is harassment?

Harassment can also take many forms and whether committed intentionally or unwittingly is legally defined as when a person engages in unwanted conduct related to a relevant protected characteristic, and this conduct has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Where this is not intentional then consideration in determining whether the conduct constitutes harassment will be given to the perception of the person who has been harassed and the other circumstances of the case.

Harassment may include unwanted or unreciprocated conduct based on gender, pregnancy and maternity, race, colour, ethnic or national origin, sexual orientation, gender reassignment, marriage including civil partnership, religion or beliefs, age, trade union membership, disability, background or any other personal characteristic.

3.2. What is bullying?

Bullying can take many forms whether intentional or not and behaviour that is considered bullying by one person could be firm management by another. It can be described as offensive, intimidating, malicious or insulting behaviour, and abuse or misuse of power through means intended to undermine, humiliate, degrade or injure the recipient. (ACAS)

Examples of bullying may include verbal/physical intimidation (e.g. threats, shouting, derisory comments), ostracism, public humiliation, overbearing supervision, refusing to communicate except in writing or e-mail, cyberbullying (sending repeated e-mail messages, setting up websites that undermine others or sending e-mail messages purporting to come from someone else), blocking applications for leave, making threats about job security that are unfounded, or intentionally blocking promotion or training opportunities. This list is not exhaustive.

3.3. Unacceptable Behaviour that may constitute bullying or harassment

Harassment and bullying can be a very clear abuse of power, persuading someone to do something they do not want to or an act[s] of violence. It can also be much more subtle and sometimes someone may not realise their behaviour is perceived as harassment or bullying. Sometimes, witnesses can be as affected as those individuals the harassment or bullying is directed at.
The following are examples of unacceptable behaviours that may be considered to constitute bullying or harassment:

- Humiliation or ridicule by comment or gesture;
- Unwanted physical contact;
- Unwanted and inappropriate remarks or comments which may relate to a person’s sex, gender reassignment, race including colour, nationality, ethnic or national origins, age, creed, disability, sexual orientation, religion or belief, politics or personal appearance;
- Display or circulation of sexually suggestive material;
- Derogatory, threatening, intimidating or patronising remarks or behaviour;
- Ignoring, marginalizing or excluding another employee;
- Belittling, ridiculing or threatening;
- Public and/or constant destructive criticism;
- Verbal abuse and spreading unfounded rumours;

The above list is intended to be illustrative and not exhaustive.

4. Process

4.1. All trusts where trainees are employed will have a policy for Dignity at Work / Dealing with Harassment and Bullying.

4.2. Trainees who feel their experiences fall within the definitions of harassment or bullying should raise their concerns in line with the policy and procedures within the employing Trust.

4.3. Trainees can and should, if necessary, access support for this via their Educational Supervisor or Director of Medical Education.

4.4. If the trainee does not feel that support, as defined above, is available or appropriate, they should contact HEE Wessex via the Head of School, Program Manager or Postgraduate Dean. An HEE Wessex representative will offer support to the trainee to access the appropriate Trust procedures to deal with the concerns expressed.