

SPCB Dignity at Work Policy

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Introduction

1. The Scottish Parliamentary Corporate Body (SPCB) is committed to providing an environment which is free from harassment, bullying, discrimination and victimisation. We believe that everyone should have the right to be treated with dignity and respect.
2. Our aim is to excel as a parliamentary service, which is underpinned by a number of key elements, one of which is organisational health, which recognises that sustained success is built on a well led, high quality workforce. In achieving this aim, staff should work in a culture in which they feel valued for their contribution, where they can utilise their talents and resources in order to reach their full potential.
3. If we are to maintain this standard, our values of equality, integrity, impartiality and professionalism should be reflected in our day to day work and in the way in which we work and interact with our colleagues and others.
4. This SPCB therefore promotes a strong culture of openness and equality in which people are treated fairly and with dignity and respect. It seeks the support and cooperation of staff in creating this culture and ensuring that others are treated fairly by developing and maintaining positive working relationships with colleagues and others with whom they interact daily.
5. Harassment, bullying, discrimination and victimisation are unacceptable to the SPCB and will not be tolerated. If there is any incidence of this type of

behaviour, which has a detrimental effect on staff, the SPCB will take prompt action to remedy it and steps to prevent any recurrence. The SPCB recognises the impact such behaviour can have on the individual/s experiencing it as well as on the wider organisation in terms of its staff morale and operational efficiency.

6. Promoting Dignity at Work as a serious commitment will have the positive benefit of enabling staff to feel confident about challenging and reporting on behaviour they are concerned about at work, whether this is displayed towards them or someone else. Managers are required to respond positively to complaints from staff and take action to stop the behaviour.

Aims and Objectives

7. The primary aim of this Policy is to prevent behaviour which constitutes harassment, bullying, victimisation or discrimination in the workplace.
8. This will be achieved by:
 - Developing and maintaining a culture in which dignity and respect can flourish and become a natural and integral part of the organisation;
 - Encouraging staff to create such a culture in which they respect others and encourage others to do the same;
 - Defining what is meant by harassment, discrimination, victimisation and bullying and the impact these can have on a person / group;
 - Explaining what is expected of staff, including those in management positions, in relation to the implementation of this policy;
 - Outlining the actions which can be taken to stop any behaviour falling in to one of these categories; and
 - Providing support mechanisms to assist staff involved in harassment, discrimination, victimisation and bullying cases and guidance on where to seek advice.

Scope of this Policy

9. This Policy applies to all staff directly employed by the SPCB. It also applies to other staff, including those on secondment from other organisations, contractors and agency workers. All staff are expected to take action as appropriate to incorporate the principles of this Policy into working and contractual relationships. In addition, all staff are responsible for reporting as appropriate any incidents of discrimination, harassment, victimisation and bullying that come to their attention.

10. Where you are not a direct employee of the SPCB, such as a secondee or agency worker the procedures associated with this Policy do not apply, in particular, where more formal action is required. In such cases, the Human Resources (HR) Office should always be consulted. In the case of a contractor's member of staff, this should be raised directly with the relevant Purchasing Manager in Procurement Services.
11. Where a complaint is made by a SPCB member of staff against a contractor's member of staff, this should be raised either with the line manager or the Head of Procurement Services. In these circumstances, the procedures associated with this Policy do not apply.
12. Members of the Scottish Parliament are not covered by this Policy. There is a separate Code of Conduct for Members which deals with matters relating to general conduct. In the event of a complaint of bullying or harassment or any other inappropriate behaviour against a Member or their member of staff, procedures set out in the Code of Conduct should be followed.
13. This Policy forms part of the Equality Framework which sets out the SPCB's overall commitment to equality and in which its work as an employer and service provider is conducted. The TUS has been consulted and wholly supports the terms of this policy.

Associated Guidance

14. This Policy should be read in conjunction with its associated guidance [add link]. Separate guidance has been produced for staff, [add link] managers [add link] and witnesses [add link] who are involved in a Dignity at Work complaint.

Principles

15. The SPCB recognises that all staff have the right to be treated with consideration, dignity and respect while at work. Its aim is to create a positive and fulfilling working environment which promotes the respectful treatment of staff and the protection of staff from discrimination, victimisation, bullying and harassment.
16. Every member of staff is responsible for their own behaviour and in ensuring that their conduct is in line with the standards set out in this policy. Developing and maintaining positive working relationships with colleagues and others should facilitate both enhanced performance and improved working lives for all.

17. The SPCB will treat all allegations of harassment, discrimination, victimisation or bullying seriously and prompt action will be taken to investigate complaints. Where there is a breach of policy, this could result in disciplinary action which could potentially lead to dismissal.
18. If a member of staff believes they are being harassed, discriminated, bullied or victimised an informal or formal complaint can be made under the scope of this policy. All staff should feel able to raise a complaint in good faith and be reassured that they will not be disadvantaged as a result of raising a complaint. However, malicious or vexatious complaints will not be tolerated and will be treated as a serious disciplinary matter.
19. The SPCB wishes to create a culture which promotes tolerance, dignity and respect. It is not the intention of this policy to prevent or inhibit social interaction in the workplace. However, it should be borne in mind that what may appear to be acceptable to some may be offensive and humiliating to others.

Harassment at Work

What is harassment?

20. Harassment is any unwelcome behaviour or conduct which has no legitimate workplace function and which makes you feel: offended, humiliated, intimidated, frightened and/or uncomfortable at work. Harassment can occur as an isolated incident or as persistent behaviour and is essentially about what the recipient deems to be offensive, not about what was intended.
21. It can be experienced directly or indirectly at work. Harassment which is experienced indirectly can be when someone is making sexist or homophobic jokes in the office environment but it is not directed at a particular person. However, the person is affected by simply being in the environment in which it is taking place.
22. Acts of harassment at work may be unlawful and could amount to unlawful discrimination on the grounds of race, disability, gender, sexual orientation, age, religion and belief. In some circumstances harassment can be a criminal offence, for example, under the provision of the Protection from Harassment Act 1997.

How do you know it is harassment?

23. In alleged cases of harassment, the perception of the complainant is very important. Behaviour which one individual may regard as acceptable may be unacceptable to another person. The perception of a complainant must therefore always be taken fully into account when a judgement is made on whether conduct is considered to be inappropriate.

24. It is also important to note that even if behaviour is unintentional, it can still be classed as a form of harassment. What may seem to be harmless to one person can be offensive to another. The principle at the heart of this policy is that what is offensive is determined by the nature of the conduct itself and how it is regarded by those who experience it. It is the impact rather than the intent that is the key.

How does it take place?

25. Harassment can take many forms. It may include unwanted physical, verbal or non-verbal conduct. Harassment may occur in a face-to-face setting, by telephone or in written or electronic communications. The following list provides examples of the type of behaviour which can amount to harassment – this list is, by no means, exhaustive:

- Unwelcome physical contact such as touching or invading someone's "personal space" by standing very close to them where this is unnecessary.
- Unwelcome verbal conduct. This may include the making of remarks and comments about someone's appearance, lewd comments, sexual advances, innuendo and banter, the making or repetition of offensive or stereotyped comments, jokes or songs including those of a racial and/or sectarian nature.
- Intrusive questioning. For example, this may include the intrusive discussion of a person's sexual practices, sexual orientation or religious beliefs - either directly or with others.
- Unwelcome written, visual or physical interaction. This may include sending unwelcome e-mails, notes or pictures, displaying or sending offensive material (e.g. displaying offensive pin-ups or screen savers), making obscene or offensive gestures, persistently sending unwanted gifts, notes, cards or unsolicited emails or following, spying or stalking someone.
- The deliberate exclusion of an individual from work-related activities (including social activities related to work) or conversations in which they have a right or legitimate expectation to participate as a result of a personal characteristic of the complainant.

Third Party Harassment

26. In April 2008, the Sex Discrimination Act was amended to protect staff from third party harassment. The term "third party" means anyone other than the employer or any of its direct staff. This could mean either passholders (except for SPCB staff), members of the public or visitors to the building.

27. The SPCB promotes a zero tolerance approach to any form of harassment against its staff by third parties. This is conveyed through the Unacceptable Behaviour policy statement which is displayed on the Parliament's website at: <http://www.scottish.parliament.uk/corporate/spcb/policies/behaviour.htm>
28. Mandatory Dignity at Work training provides staff with the appropriate skills and knowledge to recognise when behaviour is unacceptable and how best to respond. More specialised training will be provided to front of house staff that are more likely to come into contact with third party groups.

Bullying at Work

What is bullying?

29. Bullying is inappropriate and unwelcome behaviour which is offensive, intimidating, malicious or insulting to an individual or group of individuals. Bullying can be directed at anyone, which can have the effect of making someone feel undermined, humiliated or injured.
30. Bullying usually results from a misuse of power derived from status/position, physical strength or force of personality. For example, a misuse of power can be enacted when someone who feels inadequate and incompetent gains power through fear and intimidation towards others.
31. There are similarities with harassment but the reasons for bullying behaviour may be much broader than the grounds on which it is unlawful to harass someone. For example, you may be bullied because you are seen to be quiet or weak.

How do you know it is bullying?

32. The bullying may be obvious or it may be insidious which can make it difficult to recognise. It might also be unintentional but nonetheless this does not prevent it being defined as bullying. It is the impact of the behaviour rather than the intent which will determine whether it is regarded as bullying. It is how the person feels as a result of that behaviour which is important.
33. The SPCB recognises and respects the differences of perspectives and that some staff will cope with situations differently to others. Some staff may be reluctant to come forward with a complaint whereas others may be more willing to take action. Anyone involved in handling a dignity at work complaint should always take account of these differences and treat all complaints sensitively.

In what forms does bullying take place?

35. Like harassment, bullying may take many forms. It may include unwelcome physical, verbal or non-verbal conduct. Bullying may occur in a face-to-face setting, in writing or via electronic communication. The following list

provides examples of the types of behaviour which can amount to bullying – this list is, by no means, exhaustive:

- Verbal abuse or threats.
- Steps taken to make someone's working life difficult. This might involve the setting of impossible deadlines, objectives or targets, constantly changing objectives and goals, deliberately imposing an intolerable workload, unreasonably removing areas of responsibility, or deliberately blocking advancement without cause.
- Intimidating behaviour.
- Unwarranted disparaging, ridiculing or mocking comments and remarks. Such remarks might be made in front of others and/or designed to undermine an individual.
- Physical violence.
- The deliberate exclusion of an individual from work-related activities (including social activities related to work) or conversations in which they have a right or legitimate expectation to participate.

Legitimate Firm Management Practice

36. Bullying is not about the legitimate exercise of managerial responsibility. Managers and supervisors have a duty to manage performance, attendance and conduct issues, and to instruct staff to carry out legitimate tasks associated with their role. They must provide employees with accurate feedback, which may be critical, and to take steps to achieve an improvement in performance, conduct or attendance where that is required.
37. In exercising these functions, the SPCB expects its managers to take a firm managerial approach, which is not considered to be bullying, unless the manager adopts an unduly aggressive or intimidating manner. There are times when managers will be required to have difficult conversations with staff about their performance or conduct but it is important not to misconstrue this as bullying behaviour. A manager with a firm approach which is fair and reasonable in their actions does not constitute bullying behaviour. A bullying manager is more likely to be inconsistent in their actions and will exercise their functions in a way that seeks to deliberately undermine or intimidate others.
38. The behaviour of individuals in the workplace can vary from day to day. Someone who is normally perfectly civil may occasionally appear impatient, pre-occupied and fail to show the courtesy expected of them. This may be for a variety of reasons including pressure of work, domestic difficulties or ill health. This policy is not intended to deal with occasional minor lapses of good manners, courtesy or respect unless a pattern of behaviour emerges

that becomes objectionable or intimidating in itself, in which case such behaviour can constitute bullying.

Victimisation at Work

What is victimisation?

39. Staff with a grievance sometimes complain that they are being “victimised” in some way. However, victimisation within the scope of this policy (and within the scope of equal opportunities legislation) has a specific, defined meaning.

40. Victimisation involves treating you less favourably than other people because you have:

- made, in good faith, a claim of discrimination, harassment or bullying under equal opportunities legislation or under the SPCB’s Equality Framework;
- suggested or complained that, in some other way, you have been, discriminated against, bullied or harassed or that the SPCB’s Equality Framework has, or may have been, breached in some way; or
- helped another person who is making such a claim, perhaps by providing evidence or some other form of support to that person.

41. Victimisation is entirely unacceptable behaviour which can have a profound effect upon the working environment and lead to a reluctance to report acts of discrimination, bullying, victimisation or harassment.

In what form does victimisation take place?

42. Victimisation can take many forms. The following list provides just a few indicative examples of the type of behaviour which could amount to victimisation – this list is, by no means, exhaustive:

- Penalising someone for making a complaint of discrimination, harassment or bullying. For example, this might involve giving the person a lower appraisal marking than they should receive, giving the person unrealistic or impossible deadlines, or failing to attend pre-planned meetings with the individual concerned, etc.
- Excluding a person from work-related activities or conversations in which they have a right or legitimate expectation to participate because they have made a complaint of discrimination, harassment or bullying.
- Creating a difficult or oppressive environment for an individual because they have made a complaint of discrimination, harassment or bullying. This might involve, for example, talking negatively about the person behind their back.

- Making disparaging, ridiculing or mocking comments or remarks about an individual.

Harassment, discrimination, bullying and victimisation by using technology

43. Given the degree of reliance upon electronic means of communication and information sharing/gathering within the Scottish Parliament, it should be particularly noted that harassment, bullying and victimisation can occur in the use of technology. For example, this could involve:

- sending e-mails (with or without attachments) which breach the terms of this policy;
- using, displaying or saving offensive materials (e.g. offensive screen-savers, photographs, etc.) which could then be accessed, or seen by, another person or group of people;
- downloading, displaying or printing offensive material from an Internet source in the presence of another person or group of people; and
- making malicious and derogatory comments on social networking sites such as Facebook and Twitter. It is equally as important that staff are protected even when it is outside of work but there is an association to the workplace.

44. These are only examples of the way in which behaviour which breaches this policy can occur when using technology. As it may also constitute a misuse of the SPCB's equipment you should familiarise yourself with the [SPCB's Policy on the Use of the Internet, Email and Other Business Communications Systems](#).

Harassment, bullying, discrimination and victimisation outside normal working hours

45. Behaviour amounting to harassment which occurs outside the workplace and outwith normal working hours can be connected to work and, therefore, may fall within the scope of this policy.

46. In particular, your conduct at a work-related social event or when using social networking sites such as Facebook and Twitter would be covered by this policy and you are therefore expected to maintain standards which are consistent with the terms of this policy at all such events, activities and in all work, or work-related, settings.

Responsibilities under this Policy

47. The SPCB will ensure that:

- all staff are made aware of the terms of this policy and their rights and responsibilities arising under it;
- all staff receive appropriate training on the role which they must undertake in implementing this policy and creating a working environment in which everyone is treated with dignity and respect; and
- resources are made available to provide training for individuals who will play a specific role within the procedures which apply to complaints falling within the scope of this policy.

48. All members of staff:

- must ensure that they are familiar with and comply with the terms of this policy;
- must treat all individuals with courtesy and respect when carrying out their duties;
- must not participate in or condone acts of harassment, discrimination, victimisation or bullying;
- who witness acts of harassment, victimisation or bullying must encourage the complainant to seek support and assistance and make it clear that they will offer assistance to the complainant by providing truthful evidence if s/he decides to make an informal or formal complaint;
- must draw it to the attention of the appropriate manager if they feel that a workplace culture is developing which is likely to lead to harassment, bullying or victimisation. In the event that it is perceived the manager has contributed to the development of such a culture the matter should be drawn to the attention of the next person in the management structure; and
- must modify their behaviour at work if they become aware that it is unacceptable in light of this policy, even if no formal or informal complaint is made by the complainant. If you, as an employee, are told that your own behaviour is unacceptable in some respect you must:
 - try to remain calm and listen carefully to the complaint and to the particular concerns expressed, remembering that it is the other person's reaction to the behaviour which is important, not the reaction you think s/he should have;

- respect the right of all members of staff to work in an environment which is free from harassment, victimisation or bullying;
- try to agree, with the complainant or with others discussing or raising the complaint with you, on ways to deal with the situation productively, taking full account of this policy and the associated complaints procedures; and
- review your behaviour more generally with a view to making sure that you are not causing offence in any respect.

49. All managers:

- must ensure that, within their area of responsibility, all staff are aware of the terms of this policy and that the policy is actually implemented in practice;
- should lead by example in promoting the development of a culture where everyone is treated with courtesy and respect and where it is understood that discrimination, harassment, victimisation and bullying will not be tolerated;
- are expected to take action and take allegations of discrimination, harassment, bullying and victimisation seriously and deal with them speedily, sympathetically and confidentially. Failure to deal with a complaint of discrimination, harassment, bullying or victimisation can amount to misconduct;
- must take appropriate action or seek advice from the Human Resources Office on how to proceed if they witness behaviour which contravenes this Policy;
- should be sensitive to behaviour which may point to harassment, victimisation, discrimination or bullying. Where potential harassment, victimisation, discrimination or bullying is noted, sensitive exploration of the situation should be undertaken with a view to establishing what action may be required to rectify the position. It may be necessary to seek assistance from the Human Resources Office or the Dignity at Work Contacts in undertaking this task; and
- if line managing someone who is a Dignity at Work Contact or Investigating Officer, must ensure that they support the member of staff to meet the requirements of this role, enable him/her to attend the required meetings and training associated with this role and take account of this role when setting other work objectives and targets for the member of staff concerned.

Support and advice for anyone involved in a complaint

50. Harassment, victimisation, discrimination and bullying can have serious effects on the health, morale and confidence of complainants of such behaviour. Complainants may need support to help them cope with the consequences of the behaviour in respect of which a complaint is made.
51. Similarly, members of staff who are accused of discriminating against, harassing, bullying or victimising others can feel isolated and unsure of the procedures which are likely to be followed particularly when it is found that a member of staff has made false allegations about another member of staff, and they have had to endure a complaint about their conduct
52. In this respect, both the person who has made the complaint and the person accused of the complaint, should seek support from either a Dignity at Work Contact or make use of one of the other sources of support available. Such sources include:
- The SPCB's [Counselling and Information Service](#) "Care First";
 - a [Dignity at Work Contact](#);
 - your line manager;
 - a trade union representative (for trade union members); and
 - training materials on equality and diversity issues (for example, those available in the Learning Resource Centre).

Learning and Development

53. The SPCB will provide an ongoing, comprehensive range of learning and development that will support the operation of this policy and encourage positive behavioural change throughout the organisation.
54. All new staff receive Dignity at Work training and are provided with a refresher course covering Dignity at Work issues every three years.
55. The SPCB will take the opportunity, wherever possible, to raise awareness of this Policy at staff related events. The Policy is also available on the [Dignity at Work SPEIR pages](#) and will be promoted regularly through internal communication channels.

Monitoring and Review

56. This policy will be reviewed regularly and statistics will be collected on the number of informal and formal cases which are recorded by Dignity at Work Contacts, the Equality Team and Human Resources Office.
57. Reporting of this anonymised data will be presented to the Strategic Leadership Team every year.