

RESPECT AND DIGNITY AT WORK POLICY*

Revised February 2021

*Formally the Anti-Harassment and Bullying policy



1. Objective

The purpose of this policy is to communicate to **all** GAIN employees that GAIN believes in ensuring a positive and professional working environment and will not tolerate any form of harassment or bullying behaviour under any circumstances.

All employees have the right to a safe, healthy work environment; one where people are treated with respect and dignity and one that is free from bullying and harassment.

GAIN is committed to creating and maintaining a working environment free from hostility - a place in which individuals can feel valued for their contribution and can develop to their full potential.

Our organisational values of Teamwork, Innovation, Passion and Excellence must be clearly demonstrated in everything we do, including in our behavior and interaction with others.

GAIN expects all staff, volunteers, partners, interns and consultants to treat each other professionally and with respect, in a manner which recognises everyone's right to dignity at work. Any behaviour that undermines this is unacceptable.

Ensuring an environment free from all forms of bullying and harassment is the responsibility of every person who works at GAIN. If you witness bullying or harassment or believe that you have been subjected to it, it is important that you raise this either informally in the first instance or, if more serious or repeated, formally. For advice on any aspects of this policy please speak to your local HR contact or HR Business Partner.

Respect and dignity require an organisation to have and maintain a certain behavioural culture. This policy has been designed to inform employees about the type of behaviour that is unacceptable, and provides employees who are the victims of such unacceptable behaviour, ie harassment and bullying, with a means of redress.

This policy should be read in conjunction with GAIN's Code of Conduct which outlines the high standards of conduct expected from GAIN's staff, partners, volunteers and consultants.

All allegations of harassment and bullying will be investigated and, if appropriate, disciplinary action will be taken.

In cases where the procedure described here conflicts with the process required by local law, the process required by local law will be followed.

2. Defining workplace harassment

Harassment is unwanted conduct related to relevant protected characteristics¹, which include, but is not limited to, sex, race, disability, gender reassignment, sexual orientation, religion or belief, and age. It refers to behaviour which is offensive and intrusive.

Harassment **includes**, but is not limited to:

- **Verbal** - crude language, open hostility, offensive jokes, offensive songs, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip, public ridicule, derogatory remarks, and spreading malicious rumours or gossip.
- **Non-verbal** - wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screen-savers), graffiti, offensive letters, e-mails, text messages on mobile phones and messages on social media, and vandalising personal belongings.
- **Physical** - unnecessary touching, patting, pinching or brushing against another employee's body, intimidating behaviour, assault and physical coercion.
- **Coercion** - pressure or promises in return for sexual favours (eg to get a job or be promoted) and pressure to participate in political groups etc.
- **Isolation** - or non-cooperation and exclusion from social activities.
- **Intrusion** - following, pestering, spying, etc.

¹ For more information on these protected characteristics please refer to the **Equality and Diversity Policy**

Specific to sexual harassment:

- Sexual harassment is an unwelcome physical, verbal or non-verbal conduct of a sexual nature;
- Verbal conduct such as sexually derogatory remarks, comments about an individual's body or dress, sexually degrading words used to describe an individual, sexually suggestive or obscene letters, notes, e-mails, SMS messages or invitations, demeaning or inappropriate comments, name-calling, innuendos, slurs, jokes, sexual advances or propositions;
- Visual conduct such as leering, sexual gestures, displaying or distributing sexually suggestive objects or pictures, cartoons, graffiti, posters or magazines.

3. Defining workplace bullying

Bullying is best 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.

Bullying **includes**, but is not limited to:

- **Unwarranted** humiliating or offensive behaviour towards an individual or groups of employees.
- **Persistently** negative malicious attacks on personal or professional performance, typically characterised as unpredictable, unfair, irrational and often unseen.
- **Abuse** of power or position that can cause such anxiety that people gradually lose all belief in themselves, suffering physical ill health and mental distress as a direct result.
- **Use** of position or power to coerce others by fear, persecution or to oppress them by force or threat. This has been identified as a more crippling and devastating problem for both employees and employers than all the other work-related stresses combined.
- **Persistent** unjustified criticism, or criticism without offering a constructive solution in the case of criticism that may be justified.

The above is not exhaustive and can only be used as a guide for examples of bullying and harassment.

Harassment and Bullying **excludes:**

- Any **reasonable** action taken by a line manager or supervisor relating to the management and direction of staff or the place of employment.
- Disagreements, misunderstanding, miscommunication, or conflict situations provided the behaviour of the individuals involved remains professional and respectful.

4. The impact of Harassment and Bullying

Harassment and bullying can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignation.

The damage, tension and conflict that harassment and bullying create should not be underestimated. The result is not just poor morale, but higher staff turnover, reduced productivity, divided teams and a poor external reputation.

5. What to do if you feel you experience harassment or bullying

Examples of harassment and bullying are often highly context-specific and sensitive in nature. Employees who believe they are being harassed or bullied may wish to discuss their situation before deciding what action to take.

GAIN operates an open-door policy to discuss workplace problems and employees can discuss the matter with whomever of the following they feel most comfortable: their manager, the next higher level of management or a member of the HR team.

They will:

Help individuals consider objectively what has happened

Ensure the conversation remains confidential as far as possible

Listen sympathetically and without bias

Put forward alternative courses of action, but without pressure to adopt

Discuss what outcome the individual would wish to see

Discuss the available procedures and options

Assist individuals in dealing with the situation if they ask for help

Confidentiality will be maintained to the maximum extent possible. However, GAIN has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/ bully's behaviour.

6. Procedures

GAIN recognises that it is in the interests of everyone to resolve issues of concern that employees may have about their employment as quickly and fairly as possible, in order to maintain good working relations.

It is for the individual to decide which route to take in solving any problem that has occurred.

The following is the internal mechanism for dealing with concerns raised by employees about their employment or the way they have been treated with the aim of seeking a satisfactory solution. Where this is not possible every effort will be made to explain the reasons for the decision. It is not to be used where employees have concerns about misconduct or malpractice in GAIN that affects other people. In this instance, employees should refer to the Whistleblowing Policy or the reporting arrangements under the Code of Conduct².

There are two types of solution available, informal and formal:

Informal

Where possible, employees should, in the first instance, talk directly and informally to the person whom they believe is harassing or bullying them and explain clearly what aspect of their behaviour is unacceptable or is causing offence.

They should state that their behaviour is unwelcome and request that it should stop.

It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable.

If the affected party finds it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a work colleague who can accompany the employee when speaking to the person involved.

² Both found on the HR section of SharePoint under Policies

Alternatively, if the employee feels unable to approach the person whose actions or conduct is causing offence, the complaint can:

- be raised informally with their Manager or the Head of HR who will try to assist the employee to find an informal solution to the problem (see section 5 above);
- be passed to a third party (eg a colleague or manager) to approach the person on their behalf in the first instance.

If employees feel unable to follow these steps or have already done so without success, or if the complaint is one of serious harassment, they may choose to raise a formal complaint.

Formal

Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint in the form of a grievance³ by raising a complaint, in writing, directly with a senior manager, outlining the nature of the grievance and the outcome you are looking for.

Complaints will be investigated swiftly while ensuring that the rights of both the alleged victim and the alleged offender are protected. Information shared or obtained during the handling of a complaint will be treated sensitively.

The question of maintaining information in confidence will be discussed with all of those involved. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality within the context of the investigation and process – a failure to do so will be a disciplinary matter. However, it is important to recognise that certain types of information will have to be shared with individuals within GAIN to progress the investigation or to aid decision-making.

Employees and witnesses can be assured that they will not be ridiculed or victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith.

If the affected party might find it difficult to set out their complaint in writing, then he or she should contact the Head of HR who will provide assistance. If, at the conclusion of the grievance procedure, the complaint is upheld, disciplinary proceedings will be instigated with the person who perpetrated the harassment or bullying.

³ For more information on how to raise a grievance complaint please refer to the **Grievance Procedure Policy**

7. Life after a complaint

Whether a complaint is upheld or not, GAIN recognises that it may be difficult for the employees concerned to continue to work in close proximity to one another during the investigation or following the outcome of the proceedings. If this is the case, GAIN will consider a voluntary request from either party to transfer to another job or work location. **However**, a transfer cannot always be guaranteed and will depend on factors such as available work in other locations.

Where the complaint is upheld but not of sufficient seriousness to merit dismissal, the employee who made the allegation will not suffer to the detriment.

Monitoring

Where harassment or bullying has been found to have occurred and the perpetrator remains in employment, regular checks will be made to ensure that the harassment or bullying has stopped and that there has been no victimisation or retaliation against the victim.

8. Malicious Complaints

Where a complaint is blatantly untrue and has been brought out of malice, or for some other unacceptable motive, the complainant will be subject to GAIN's disciplinary procedures, as will any witnesses who have deliberately misled GAIN during its investigations.

9. Policy Implementation

Management roles and responsibilities

Management at GAIN are committed to ensuring workplace stressors, which could lead to harassment or bullying, are reduced. Training is a critical component of successful implementation of any policy and GAIN is working hard to ensure all Managers are equipped with the following skills and knowledge to:

- ensure that staff have full access to information regarding GAIN policies and procedures;
- develop respectful workplace relations by promoting a positive leadership and management style, ensuring this is supportive and respectful of employees and volunteers, and that bullying or coercive behaviour is not used towards anyone;
- communicate effectively with staff, encouraging honest performance feedback provided

in a respectful way, and to use good judgment in correcting conduct or behaviour that could be perceived as offensive and remind individuals of GAIN's policy when appropriate;

- recognise the signs of harassment and bullying, how they can confidently enforce this policy and understand that ignoring this behaviour will not be tolerated;
- encourage employees to talk to their manager or HR contact if they feel they experience harassment or bullying.

Employee roles and responsibilities

We can't do this alone though and so we require each and every employee of GAIN to support the implementation of this policy by:

- conducting themselves in a professional manner, with mutual respect for others and which honours diversity in the workplace;
- carefully considering any feedback and modifying their behaviour if they have been alerted that it is causing concern;
- reporting any harassment or bullying conduct they experience as soon as possible to allow GAIN to take appropriate action;
- reporting any harassment or bullying conduct they witness as soon as possible to allow GAIN to take appropriate action. For further information please refer to the Whistleblowing Policy.

HR representative responsibilities

HR representatives and members of the HR team will:

- raise awareness of this policy and the principles that underpin it through induction processes, training and awareness raising programmes and ensure the policy is an integral part of any local employee handbook.
- provide guidance and support when allegations are raised.

10. Partners, volunteers and contractors

Although this policy refers primarily to internal relationships within GAIN, a concern raised by a volunteer, contractor or staff member of a partner organisation about a GAIN member of staff will also be taken seriously and investigated in line with the principles outlined above.

Similarly, if a staff member has a concern which relates to or involves a volunteer,

contractor or a staff member of a partner organisation, this will be investigated and, where relevant, taken up with the organisation concerned.