#

Dignity and respect in the workplace policy

# Policy at a glance

* Everyone holds an individual responsibility for upholding dignity and respect in the workplace.
* This policy is part of Genomics England’s overall commitment to equality, diversity and inclusion and to promoting a positive culture which celebrates differences, challenges prejudice and ensures fairness.
* Complaints under this policy will be managed with fairness, sensitivity, respect and confidentiality and with due regard to the rights of all parties.
1. Policy statement

Genomics England does not tolerate any form of discrimination, harassment, victimisation or bullying at work and recognises our duty of care to our people, stakeholders and visitors under health and safety, equality and employment legislation. Such behaviour is contrary to our SPECIFIC virtues, undermines our mission and core values and diminishes the dignity, respect and integrity of all parties.

In order to achieve our commitment to equity, diversity and inclusion and to promoting a positive culture which celebrates difference, challenges prejudice and ensures fairness, this policy focuses on and emphasises our duty of care to our people to create and maintain a working environment in which everyone is treated with dignity, courtesy and respect. Where complaints of bullying, harassment, discrimination or victimisation occur, Genomics England will ensure that all parties are treated with fairness, sensitivity, respect and confidentiality, and with due regard to the rights of all parties, using both informal and formal procedures.

The dignity and respect in the workplace policy does not form part of and is not intended to vary contracts of employment. It may be amended from time to time, as necessary and in line with legislative and best practice changes.

1. Purpose of policy

The purpose of the dignity and respect in the workplace policy is to:

* 1. Foster, support and sustain a positive (thriving) working environment and culture for all our people, free from any form of inappropriate or unacceptable behaviour.
	2. Make it clear that dignity and respect are a fundamental right for everyone, and that discrimination and harassment are unacceptable. Everyone has a role to play in creating an environment that is free from discrimination and harassment.
	3. Provide a framework for respect and good conduct to prevent and eliminate all forms of bullying and harassment.
	4. Highlight the options available to our people who feel they are or have been subject to any inappropriate or unacceptable behaviour, providing a mechanism by which complaints can, wherever possible, be addressed in a timely way.
	5. Set out the responsibilities for managing and supporting people when concerns are raised under this dignity and respect in the workplace policy. Managers have particular responsibility for setting standards and ensuring appropriate workplace behaviours are maintained. They should set a good example and ensure concerns raised are acted upon.

1. Scope

The principles of this policy apply to all our people (including academic visitors and visiting researchers, or those attending public events, service users, contractors, suppliers and their staff - this list is not exhaustive).

If an employed person wishes to complain about a member of the Genomics England community's behaviour towards them, they may do so by raising a complaint, citing that the complaint is about an issue relating to dignity or respect in the workplace.

Please note that this policy also applies to the behaviour of members of the Genomics England community when operating in a professional capacity outside work (e.g. at a conference, at a sporting event) and online (e.g. in email, on social media).

Anyone who wishes to complain about an external party's behaviour towards them should contact their People Partner in the first instance.

NB:  ***When a criminal offence may have been committed, following the Dignity and Respect in the Workplace Procedure may not be appropriate.*** These cases include, but are not limited to, serious assault or threat of serious assault.  Anyone can seek advice from their People Partner or Chief People Officer and/or approach the Police directly.

1. **Definitions and examples**

* 1. **Dignity and respect in the workplace**

Genomics England defines **dignity and respect in the workplace** as the absence of inappropriate behaviour in Genomics England’s work environment. Under the Human Rights Act (1998), everyone has a fundamental right to be treated with dignity and respect, including, and especially, in the workplace.

**Dignity** consists of many overlapping aspects, including **respect**, privacy, autonomy and self-worth.  Genomics England therefore promotes, and does not undermine, a person’s self-respect regardless of any difference. We are actively creating a workplace environment which encourages respect and acceptance.

Dignity and respect in the workplace may involve equalities issues and UK discrimination law provides specific protection against discrimination, harassment and victimisation on a variety of grounds.  Genomics England takes its responsibilities in these areas very seriously.

* 1. **Discrimination**

Genomics England defines **discrimination** as treating an individual unfairly because the individual has, or is perceived to have, a protected characteristic, or because of their association with someone who has a protected characteristic. Please see Section 4.6 Protected Characteristics for a list of protected characteristics.

* 1. **Harassment**

Genomics England defines **harassment** as single or repeated incidents involving unwanted or unwarranted conduct towards another person which it is reasonable to think would have the effect of (i) violating the person’s dignity or (ii) creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person. Harassment may be verbal, psychological, or physical, in person or via a virtual platform, or through other methods of contact.

Unacceptable behaviour may contravene equalities and/or other legislation. Whilst bullying and harassment will always be deemed to be forms of unacceptable behaviour, the two terms have distinct and separate legal meanings. Harassment is connected to anti-discrimination legislation. Therefore if an individual is on the receiving end of unacceptable behaviour which relates to their sex, race, sexual orientation, age, disability, religion or belief or gender reassignment (collectively known as ‘the protected characteristics’), this will be deemed to be harassment.

Harassment may be established from a single event and a series or pattern of behaviour is not necessary to establish that an individual has suffered harassment. Individuals are also protected from harassment based on someone else’s protected characteristic, or based on the perception that they have a protected characteristic. Harassment, as defined in the Equality Act 2010, is unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Online harassment may take the form of intimidating, offensive, or graphic posts or threats on social media sites or chat rooms, or communications by email, text, or instant messaging.

It is important to note that harassment may be deemed to have occurred even where there has been no intent. Individuals must therefore be aware that the perception of the complainant is very important and what may be deemed to be acceptable behaviour by one person may not necessarily be acceptable to another.

In defining the types of behaviour that may be judged to constitute harassment, the key issue is whether the behaviour could reasonably be considered as having the effect defined above, even if others feel they would not be offended by the behaviour. The perception of the complainant does not automatically mean that the complaint will be upheld however those responsible for managing or investigating the complaint must make an objective assessment as to whether the behaviour complained of can reasonably be regarded as harassment.

Please see the **anti-sexual harassment policy** for further information on sexual misconduct and/or harassment.

* 1. **Bullying**

Genomics England defines **bullying** as offensive, intimidating, malicious or insulting behaviour which intentionally or unintentionally undermines, humiliates, denigrates or injures the recipient.  Bullying is normally characterised by a pattern of behaviour but a single incident *could* be considered as bullying behaviour in some circumstances, such as where physical or extreme verbal violence has occurred. One-off minor issues of impatience, pre-occupation or lack of courtesy do not constitute bullying.

Bullying is to be distinguished from the legitimate exercise of managerial responsibilities where these responsibilities are carried out in a respectful, reasonable and appropriate manner.  As with harassment, it is important to note that bullying may be deemed to have occurred even where there has been no intent.

With regards to both harassment and bullying, the unacceptable behaviour may be overt (for example, verbal abuse/threats/physical violence) or it may be more subtle and insidious. In either case, unacceptable behaviour is a breach of Genomics England's dignity and respect in the workplace policy and should be reported in accordance with the policy and procedure.

* 1. **Victimisation**

Victimisation is a type of harassment. Victimisation is defined by the Equality Act 2010 as:

**“Treating someone badly because they have done a ‘protected act’ (or because you believe that a person has done or is going to do a protected act).”**

A ‘protected act’ is:

* brought discrimination (including harassment) proceedings or given evidence or information in connection with such proceedings (under the Equality Act)
* done anything other thing in connection with discrimination (including harassment) proceedings
* made an allegation (whether expressly or otherwise) of discrimination or harassment
* or because it is suspected that the victim has done or intends to do any of these things

Unfavourable treatment of a complainant, their companion or a witness in relation to a complaint which relates to a protected characteristic is likely to be victimisation. Genomics England does not tolerate victimisation; we believe it to be entirely unacceptable behaviour that can have a detrimental effect on the work environment and may lead to reluctance to report acts of harassment or discrimination.  As such, perpetrators will be subject to disciplinary action which may result in action up to and including dismissal from Genomics England's employment.

In addition to the potential consequences for employment, types of victimisation may also be unlawful and may even constitute a criminal offence. Reported individuals who have been deemed to have victimised others may be personally named in legal complaints and may be liable to personally pay compensation to a successful claimant.

* 1. **Protected characteristics**

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| * age
 | * disability
 | * gender reassignment
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| * race
 | * religion or belief
 | * sex
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| * sexual orientation
 | * pregnancy and maternity
 | * marriage and civil partnership
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People need not possess the relevant characteristic themselves but may be subjected to unacceptable behaviour because they are wrongly perceived to have a protected characteristic, or because of their association with a person who has a protected characteristic. In addition, people have the right to complain of behaviour that they find offensive even if it is not directed at them.

Although not currently required by law, Genomics England will not tolerate social class or social privilege status as a reason for treating someone differently.

* 1. **Criminal offences**

Some forms of unacceptable behaviour may be serious enough to constitute a criminal offence. If Genomics England becomes aware that an individual has (or may have) committed an offence, we may report concerns to the police or other authorities, as appropriate. Where matters are reported to the police, whether by an individual or Genomics England, internal investigations and disciplinary action may still take place, whether or not the police decide to proceed. However, in some cases there may have to be a delay whilst police investigations are carried out.

1. Equity, diversity and inclusion statement

Genomics England is actively committed to providing and supporting an inclusive environment that promotes equity, diversity and inclusion best practice both within our community and in any other area where we have influence.  We are proud of our diverse community where everyone can come to work and feel welcomed and treated with respect regardless of any disability, ethnicity, gender, gender identity, religion, sexual orientation, or social background.

This policy and associated procedures comply fully with Genomics England’s stated policies of non-discrimination and equity and will be applied fairly to all people, regardless of age; disability; gender identity or reassignment; marital or civil partnership status; being pregnant or recently becoming a parent; race; religion or beliefs, sex or sexual orientation, length of service, whether full or part-time or employed under a permanent or a fixed-term contract or any other relevant factor.

1. Responsibilities

* 1. **Individuals**

As members of the Genomics England community, individuals have a responsibility to:

* comply with this policy and the associated guidance and demonstrate active commitment to it
* treat each other with dignity, respect, courtesy and consideration at all times, working collaboratively, collegially and effectively in teams within and across the organisation
* behave professionally and have the right to expect professional behaviour from others
* discourage any form of discrimination and harassment by suitably challenging inappropriate behaviour, making it clear that such behaviour is unacceptable (and raising concerns with managers where appropriate so these can be dealt with)
* ensure that diversity and equality is valued and applies regardless of race, gender, age, civil status, family status, sexual orientation, disability or any other protected characteristic
* maintain and uphold the dignity and respect of any complainant and alleged perpetrator, honouring confidentiality and integrity at all times
* contribute towards ensuring that Genomics England is an inclusive, welcoming and safe working environment
* address and resolve matters locally, where reasonably possible, in a positive and constructive way; modifying own behaviour should it become apparent that there has been some form of unacceptable behaviour on their part
* participate in training which supports the implementation of this policy

* 1. **Managers**

In addition, managers of employees and others with responsibility for areas of work must:

* make reasonable and appropriate requests of their team. When providing feedback about performance or behaviour, Genomics England always expect this to be done in line with the principles of dignity and respect; in return, people receiving such feedback are expected to treat their managers with dignity and respect
* take responsibility to lead in promoting a culture of dignity and respect
* honour their duty to take timely, relevant action to resolve concerns
* complete online training on ‘Diversity and Inclusion with People’to help develop understanding and awareness of diversity and inclusion
* address any incidents of discrimination, bullying, harassment or victimisation that they observe or witness even though no complaint may have been made on the subject
* maintain the confidential nature and transparency of the process

* 1. **People team**

Our People team will ensure that:

* complaints of discrimination, harassment, bullying or victimisation are treated seriously and with discretion
* when a complaint is raised about behaviour, it will be responded to effectively and efficiently
* there are the right policies and mechanisms in place that make Genomics England a safe environment for people to voice their concerns and listening when concerns are raised about behaviour
* malicious or vexatious allegations are dealt with in line with Genomics England’s disciplinary procedures
* complaints of detriment on the grounds of a  protected characteristics are reviewed and reported to ELT, anonymising data where appropriate

* 1. **Executive Leadership Team (ELT)**

Our ELT will ensure that:

* a positive working culture is fostered; one which promotes freedom of thought and expression within a framework of mutual respect
* complaints of discrimination, harassment, bullying or victimisation are treated seriously and with discretion
* complaints of detriment on the grounds of a  protected characteristics are monitored, anonymising data where appropriate
1. **Taking action**

Where a potential breach of this policy has been identified, there are a number of ways an individual may wish to approach the matter in an attempt to resolve it.  These are set out in the ‘**dignity and respect in the workplace guidance for our people and managers’.**

Genomics England will monitor and review its performance on promoting dignity and respect, and the effectiveness of this policy and associated procedures, on an ongoing basis. Formal reports will be provided at regular intervals to the ELT by the Chief People Officer.

1. **General policy and procedure principles**

At any stage of the procedure, those involved in attempting a resolution or in investigating a complaint must act in accordance with good practice and certain principles:

* 1. **Natural justice**

Any person against whom a complaint has been made has the right to know the nature and sufficient details of the complaint in order to be able to respond. No decision is taken until the complaint has been investigated and the person against whom the complaint has been made has had the right to reply.

* 1. **Representation**

Both the complainant and the person against whom the complaint has been made may be accompanied to any formal meetings and be supported by a trade union representative (if they are a member) or a work colleague. There is no right to be accompanied to any investigation meetings, although consideration will be given to any request for a companion.

The companion will be required to maintain appropriate confidentiality.  The companion will be allowed to address the meeting, to put and sum up the case of the person they are supporting and confer with them during the meeting. The companion does not, however, have the right to answer questions put to the individual on their behalf, address the hearing if the individual does not wish it or prevent Genomics England from explaining their case.

* 1. **Confidentiality**

Confidentiality must be very strictly respected and information limited to those who have a need to know (and only to the extent necessary) for the purposes of the operation of these procedures and for maintenance of good order within Genomics England.  Genomics England does however reserve the right to seek advice from, or involve appropriate external parties, if it believes that it is under an obligation to do so, or if a particular expertise is required. Any breach of confidentiality may result in disciplinary action being instigated.

* 1. **Support**

During and following the conclusion of a report and investigation it is important that support is given by Genomics England to both parties and, if appropriate, other people in the community who may have been affected by the situation to try and resume a working relationship and to encourage a dignity at work ethos**.** See Section 9 Sources of Supportfor more information.

* 1. **Timescales**

A complainant should make a complaint in a timely fashion (normally immediately after the incident or at the latest within three months of the most recent incident or occurrence of the behaviour). If there is good reason, this timeframe could be extended (for example where a complainant has not felt able to make a complaint without initial support or counselling). Once a complaint is made, it must be investigated promptly. While it is important that an investigation is thorough, a long-drawn out investigation is not in the interest of either party. However, there may be cases in which the investigation of a complaint is unavoidably delayed. In these circumstances every effort will be made to keep all parties informed of progress.

The timescale of the investigation may vary according to the particular complaint but should always be completed as quickly as practicable.

* 1. **Conflict of interest**

A conflict of interest can be defined as a set of circumstances that creates a risk that professional judgement or actions regarding one interest will be unduly influenced by another interest. Within Genomics England, a formal investigation will not normally be undertaken or an appeal heard by someone in the same squad or team as the individual/s concerned. Concerns over conflicts of interest will be decided on a case-by-case basis.

* 1. **Records**

A note will be taken at meetings and will be sent to those present. Notes will not be verbatim but will be an accurate record of the discussions. The person being interviewed will have an opportunity to comment on their notes. Everyone involved in this process must observe GDPR principles. The People team will file and retain all notes and documents.

* 1. **Malicious or vexatious complaints**

A complaint may be considered to be malicious or vexatious if it is made in bad faith, if deliberately false allegations are made as a form of bullying against a colleague or manager, or where there are a series of frivolous and clearly unfounded allegations.

* 1. **Overlapping procedures**

If a complaint falls across more than one Genomics England policy and procedure, Genomics England will deal with the matter as flexibly, fairly and proportionately as possible. For example, if a complaint relates to an external provider or contractor, or vice versa, there should be a discussion between the Chapter Lead and the People Partner regarding the most appropriate way forward. It may be appropriate for there to be either parallel or sequential investigations to avoid duplication or conflicting decisions. The complainant should be informed of the outcome of this discussion. In the event that it is not possible to reach a decision by discussion, the matter should be referred to the Chief People Officer, whose decision will be final.

1. Sources of support

This policy recognises that being subjected to discrimination, bullying, harassment and victimisation can have a devastating effect on your physical and mental health. Equally, being accused of such behaviours, wrongfully or otherwise, can have a very negative effect on individuals.

There are various support mechanisms available to the parties to a complaint, and to managers seeking support with the implementation of the policy:

* 1. **Employee Assistance Programme (EAP)**

The Employee Assistance Programme (EAP) is a confidential service available to help promote wellbeing and support employees with a wide range of work related or family and personal issues.  The service is free and available to all Genomics England people, and is provided by trained and experienced counsellors.

Managers can also use the EAP service to get advice on wellbeing and welfare issues for their team.

In general, if a situation is affecting your emotional or psychological health, or if your emotional or psychological health is affecting your work, you may find counselling helpful. You can approach the EAP for help with a wide range of issues.  People may come with work issues such as stress, bullying or harassment, work block or difficult relationships with colleagues. They may also come with personal issues such as bereavement, family or relationship difficulties, cultural experiences, or for support with questions relating to their sexual orientation or gender identity.

To contact the EAP, you can call the 24 hour free confidential life management line on 0800 030 5182.  You will be triaged by a member of their team, and you can receive up to 8 sessions of structured telephone counselling sessions, per person, per policy year.

In addition, this number can connect you 24 hours a day to trained nurses and a GP call back service.

The EAP also has a dedicated online health portal provided by Health Assured. Here you can access a range of help and support for all sorts of health and wellbeing matters.

* 1. **The People team**

People Partners can provide confidential support to potential complainants, people against whom complaints have been made and managers by explaining options available under the procedure, suggesting sources of support, and facilitating the process of attempting to resolve the problem, at any stage in the procedure. People Ops can also provide links to other sources of information and support.

* 1. **Your Voice on HiBob**

Your Voice is a feature on HiBob that allows an individual to voice personal or general concerns, including those relating to equality, diversity and inclusion, harassment or workplace misconduct without fear of retribution.  One of the key features of Your Voice is that all concerns raised are kept completely anonymously due to the encryption technology used.

* 1. **Mediation**

Mediation can be entered into at any stage to assist with issues of conflict, including matters that would be considered under this policy. Mediation is an informal, voluntary process where a trained mediator acts as an impartial third party to bring two people in dispute together to find a mutually acceptable resolution with the aim of improving the working relationship. The focus within mediation is on moving forward rather than attribution of blame.

The benefits of mediation are that relationships can be preserved and resolution achieved more quickly than through more formal procedures. Individuals are able to have greater flexibility to suggest and agree solutions themselves, which leads to better understanding and satisfaction with the outcomes.

Mediation provides an opportunity for each party to describe what has been happening and how it has affected them. Once both the individual meetings have taken place, the two parties and the mediator have a joint meeting during which the difficulties can be discussed in a safe and structured environment. The mediator ensures that both parties have the opportunity to talk and be heard: they will be encouraged to explore past issues and concerns and then to focus on the outcome they would like to achieve. A mediation process usually takes the best part of a day and is confidential between the individuals (two parties and mediator).

Individuals who are interested in exploring mediation should contact the People Team in the first instance. A matter may be referred for mediation by the parties themselves, or referred by the manager or the relevant People Partner, if both parties agree.  Once the request for mediation is made, the People team will source an appropriate mediator to the case and check that there are no conflicts of interest between either of the mediators and the two parties and confirm a date suitable to both parties and mediators. The mediators will then contact both parties to confirm the mediation date and advise of all the necessary arrangements. A mediation starts with both mediators meeting with each party individually.

As mediation is a voluntary process, individuals have a choice as to whether they wish to participate. Where individuals agree to mediation, they should engage in the process in a positive and constructive manner with a view to achieving resolution. It will generally not be appropriate for mediation to take place in cases of possible criminal activity, gender-based violence or where any of the individuals involved are particularly vulnerable. Either party can withdraw from the process at any time after initially agreeing to participate.

* 1. **Mental Health First Aiders (MHFA)**

Mental Health First Aiders (MHFA) are trained advisors who can listen, reassure and respond to anyone experiencing any kind of mental health issue.  They can help people to recognise warning signs of mental Ill health and support and empower  people to access the help they need.  This could be links to resources or guidance, help them with accessing therapy services and generally supporting their wellbeing.

* 1. **Occupational Health**

Occupational Health (OH) aims to promote and maintain the physical, mental and social wellbeing of employees. OH provides a confidential, independent advisory service.  Anyone can get further information from their People Partner, including how to generate a referral.

* 1. **External Sources of Information and Support**

* [**The Samaritans**](https://www.samaritans.org/)– they have a range of [**ways to get in touch**](https://www.samaritans.org/how-we-can-help/contact-samaritan/) for help and support.
* [**Rape Crisis England & Wales**](https://rapecrisis.org.uk/) – Rape Crisis England and Wales are a charity working to end sexual violence and abuse.  Their support and information is not limited to specifically rape, and includes other sexual assaults, sexual harassment and other forms of sexual violence and abuse.  For details of Rape Crisis Centres click [**here**](https://rapecrisis.org.uk/find-a-centre/).
* [**Citizens Advice UK**](https://www.citizensadvice.org.uk/law-and-courts/discrimination/taking-action-about-discrimination/taking-action-about-harassment/) offers advice and guidance on what you can do if you believe you have experienced some form of harassment. This could be racial, sexual or any other form of harassment.
* [**Equality and Human Rights Commission**](https://www.equalityhumanrights.com/en) is the strategic body overseeing equalities and human rights in the UK.  [**You can contact them**](https://www.equalityhumanrights.com/en/contact-us) for further information, advice and guidance on promoting and upholding equality and human rights ideals and laws across England, Scotland and Wales.
* [**Workplace bullying and harassment - GOV.UK**](https://www.gov.uk/workplace-bullying-and-harassment) explains further the legal position on bullying, harassment and discrimination in the workplace.
1. Related documents

The policy should be read in conjunction with other Genomics England policies, procedures and guidelines, as necessary.

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1. Flowcharts
2. Informal complaint procedure summary



1. **Formal complaint procedure summary**

