



Dundee Contemporary Arts

Dignity at Work

Policy Statement

This policy sets out DCA's commitment to create a working environment free from hostility in which individuals are valued for their contribution and can develop to their full potential.

The aim of this policy and procedure is to promote a working environment which will be stimulating and supportive and free of harassment, bullying and victimisation; where individuals are confident, if they bring a complaint in good faith that the matter will be dealt with according to the agreed procedures without fear of subsequent victimisation or disadvantage.

This policy applies to all staff and Board members (including casual workers) and third parties (e.g. contractors, building partners, clients or customers of DCA).

Throughout this policy and procedure the individual who feels that have been harassed, bullied or victimised is referred to as the 'complainant' and the person against whom these allegations have been made is referred to as the 'respondent'.

Unacceptable behaviour in the workplace may typically involve bullying or derogatory statements, unwanted spoken or physical advances, and personal treatment which is unfair and interferes with the employee's performance, undermines job security, or creates an intimidating work environment.

DCA will promote an environment in which people who are subject to inappropriate behaviour or witness it feel able to raise complaints without fear of victimisation.

DCA expects everyone to relate to each other professionally, in a manner which recognises everyone's right to dignity at work.

DCA will not tolerate bullying, harassment, discrimination or victimisation and so far as possible, complaints will be managed speedily, confidentially and communicated effectively.

All staff are expected to bring to the attention of managers any examples of unfair treatment they have witnessed or strongly suspect is taking place.

DCA encourages staff to deal with any harassment, discrimination, bullying or victimisation through informal resolution where appropriate. Seeking to address the situation informally can lead to a quicker resolution that causes minimal disruption to relationships.

On occasion, individual perceptions of behaviour may differ, perhaps due to differences in attitude, values, experience or culture, and what one person would consider acceptable behaviour may be unacceptable to another. The defining factor in determining if behaviour amounts to harassment is that the behaviour is unacceptable to the recipient and could 'reasonably be considered' to amount to harassment. When considering allegations of harassment, DCA will therefore apply a test of 'reasonableness' to determine if harassment has taken place.

If at any time, there is evidence that allegations of harassment, discrimination or bullying have been made vexatiously or maliciously, or that false information has been provided or that the complainant has otherwise acted in bad faith, then disciplinary action may be taken.

Any allegation of harassment, discrimination, bullying or victimisation will be treated seriously and the matter investigated. Anyone found to have behaved unacceptably may be subject to disciplinary action.

DCA expects line managers to set clear, reasonable, job performance standards for their staff which are effectively communicated, and to manage staff equitably. Under these circumstances legitimate, justifiable, appropriately conducted monitoring and discussion of a member of staff's behaviour or job performance, provided that those involved are treated with dignity and respect, will not be considered harassment or bullying.

This policy should be read in conjunction with:

Appendix 1 – Examples of Bullying, Harassment, Discrimination and Victimisation

Appendix 2 - DCA's Code of Behaviour

All employees have a personal responsibility to:

- Behave in a way that respects the rights and dignity of others
- Treat others fairly
- Not to behave in a way that could be offensive to others
- Value differences in others and the contribution they make
- Be open and constructive in our communications
- Be proactive in developing and maintaining effective working relationships with co-workers
- Demonstrate a commitment to upholding DCA's policies on equality, diversity and dignity at work.
- Take appropriate action where there are difficulties in their working relationships, with input and support from their line manager/People Manager or other appropriate staff.
- All managers and supervisors have a responsibility to:
- Manage staff fairly and in line with all DCA's policies and procedures
- Take action to ensure that a working environment free from harassment and bullying is maintained
- Line managers should set clear, reasonable, job performance standards for their staff, which are effectively communicated, and should manage staff equitably. Under these circumstances legitimate, justifiable, appropriately conducted monitoring and discussion of a member of staff's behaviour or job performance does not constitute harassment or bullying
- Help resolve issues informally wherever possible or in line with the formal processes where required
- Provide support for staff where appropriate directly or signpost them to support from HR

DCA's responsibilities

DCA will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of harassment and bullying. This policy and procedure will be communicated effectively to all employees, and DCA will ensure that all employees are aware of their responsibilities. Appropriate training, where necessary, will be provided.

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, but it is important to recognise that certain types of information will have to be shared with individuals as necessary in order to help the decision making or remedy for the person making the complaint, or during any appropriate investigatory or disciplinary action taken against the person responding.

Informal Procedure

DCA recognises that it can be difficult to raise a complaint of harassment, discrimination, victimisation or bullying whether on an informal or formal basis and encourages staff to access the appropriate sources of support available.

An informal approach may effectively address the unwanted behaviour without recourse to formal procedures. However, there are some circumstances where the alleged behaviour may be sufficiently serious to warrant an immediate investigation such as when there has been discrimination, assault or prolonged abuse of power.

Unacceptable behaviour should in the first instance be raised by the individual who perceives that they are the recipient of unacceptable behaviour with the person involved if they feel comfortable about doing so. It is recommended that issues are raised at the earliest opportunity.

If an employee wishes to make an informal complaint, he or she may choose either to speak:

- directly to the person whose behaviour has caused, or is likely to cause, offence, pointing out to that person in a reasonable and factual way why their conduct may be inappropriate, why it may be perceived as objectionable or unacceptable, and asking for it to stop.
- to their line manager and/or the Depute Director or People Manager in order to seek support or guidance on an appropriate course of informal action to resolve the matter.
- If the complaint is regarding the employee's line manager they should speak to People Manager for advice or the Depute Director
- or alternatively, where the complaint involves the Depute Director or Director the matter may be raised with the Board Representative (Dignity at Work Champion) Thomas Veit (Thomas.veit@dca.org.uk)

If attempts to resolve any unacceptable behaviour informally prove unsuccessful and/or if the matter is deemed sufficiently serious by the organisation, the matter will be addressed formally.

Formal Procedure

If the informal resolution process outlined above does not result in the unwanted behaviour ceasing or the behaviour becomes worse; or if the alleged harassment or bullying behaviour is determined by DCA to warrant further investigation then the formal investigation procedure should be considered.

- A formal complaint should be put in writing to the Depute Director, although the employee may consult their line manager or the People Manager or in cases involving the Depute Director/Director the/Board Member (Dignity at Work Champion) first to ask for guidance on how to present the written complaint
- In the letter the complainant should set out as clearly and briefly as possible:
 - The nature of the behaviour they are concerned about
 - The effect this behaviour has on them
 - Dates of, and the identity of any witnesses to, any incidents complained about, together with any documentary evidence
 - Explanation of any attempts they have made to resolve the difficulties
 - If appropriate, the outcome/resolution they are seeking

On receiving a formal complaint or determining that an informal complaint warrants investigation, the Depute Director will instigate an investigation and/or appoint an Investigation Lead who will conduct the investigation and provide a summary report.

Disciplinary action

If after investigation it is clear that unacceptable behaviour has occurred, the respondent will be required to attend a disciplinary hearing in accordance with the DCA's disciplinary procedures. The complainant/s will also be notified in writing.

No action taken

Where it has been found that unacceptable behaviour has not occurred, this outcome will be confirmed in writing to all parties.

Dissatisfaction with the outcome

If the complainant remains dissatisfied s/he must submit a detailed formal complaint as detailed in DCA's grievance procedure.

Malicious false allegations

DCA will treat malicious false allegations very seriously and this may result in disciplinary action up to and including dismissal.

Mediation

Mediation is an informal, structured process in that helps people in a disagreement create a way forward for themselves. Mediation can assist people to restore and develop healthy working relationships and may be suitable in some types of cases following an informal or formal dignity at work complaint e.g. where the unresolved issues are related to difficulties with communication and/or understanding.

Guidelines for those accused of harassment, bullying or victimisation

If you are approached informally by someone or on behalf of someone about your conduct or behaviour, do not dismiss the complaint.

Remember that all people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended them without intending to and a simple apology may resolve the matter.

If a formal complaint is made about your behaviour this will be investigated in line with this policy.

APPENDIX 1

Examples of Bullying, Harassment, Discrimination and Victimisation

Below is a list of examples of behaviour that may constitute bullying, harassment, discrimination and victimisation. This list is not exhaustive, however, they are indicative of behaviours that would be considered unacceptable by DCA.

Harassment can take many forms and may, for example, occur in a face to face setting, by telephone, or in written communications or electronic communications, including social media and or text messaging.

- Insults, name-calling and offensive language and gestures
- Inappropriate jokes
- Ridiculing and undermining behaviour
- Inappropriate or unnecessary physical contact
- Physical assault or threats of physical assault
- Intimidating, coercive or threatening actions and behaviour

- Unwelcome sexual advances
- Isolation, non-cooperation or deliberate exclusion
- Inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life or malicious gossip
- Offensive images and literature
- Sexually suggestive behaviour, or compromising sexual invitations or demands
- Racial harassment – including racist jokes
- Verbal or written abuse including non-communication and deliberate and/or inappropriate exclusion from social events or day to day activities
- Victimisation because of someone's gender or gender identity, race, disability, sexual orientation, age, religion or other beliefs
- Abuse of power by someone in authority
- Incitement of others to commit harassment
- Electronic bullying
- Use of social networking sites to post derogatory messages about someone
- Inappropriate and derogatory remarks in connection with performance
- The use of inappropriate literature, pictures, books or recordings to bully or harass others
- Unnecessary and degrading references to someone's sexual orientation, gender identity or their perceived sexual orientation or gender identity
- Systematic ostracism or exclusion from normal conversation in the work environment, or work related social events
- Spreading rumours or gossip including speculating about someone's sexual orientation or gender identity, or outing them

Bullying can take the form of physical, verbal and non-verbal conduct. The following list provides examples of the type of behaviours that could amount to bullying.

- Verbal or practical jokes
- Shouting at, being sarcastic towards, ridiculing or demeaning others
- Making homophobic insults and threats
- Physical or psychological threats
- Outing an individual as LGBT without their permission
- Overbearing and intimidating levels of supervision
- Inappropriate and/or derogatory remarks about someone's performance
- Abuse of authority or power by those in positions of seniority, or
- Deliberately excluding someone from meetings or communications without good cause
- Making someone's working life unreasonably difficult, for example, setting of impossible deadlines, objectives and deliberately imposing an intolerable workload

Discrimination happens when one person is treated less favourably because of a protected characteristic

- Age
- Disability
- Gender reassignment or gender identity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity

Victimisation may take many forms. The following list provides just a few indicative examples of the type of behaviour that could amount to victimisation:

- Penalising someone for making a complaint of discrimination, harassment or bullying. For example, this might involve giving the person unrealistic or impossible deadlines
- 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 – whether informal or formal – of discrimination, harassment or bullying. This might involve, for example, talking negatively about the person behind their back or making disparaging, ridiculing or mocking comments or remarks.

APPENDIX 2

DCA Code of Behaviour

Responsibilities

- You must take responsibility for the power you have: do not use it abusively over others.
- You must take responsibility for your behaviour: your words, actions and physical presence
- No one is alone. We all have a responsibility to stand up for one another, to call behaviour out and to report it, even if we aren't directly affected
- Call out inappropriate behaviour straight away if you feel able to, even if it feels uncomfortable

Reporting

- Logging behaviour with HR is important, even if no further action is going to be taken, or if the team member who raises an issue wants it to be confidential. Logging behaviour is vital for noticing patterns
- If something is reported that breaches our policies the organisation has a responsibility to investigate it. Any investigation will be conducted in the strictest confidence, although those involved in the investigation may be made aware of some details in order to respond or contribute to the investigation
- Familiarise yourself with DCA's reporting structures
- Freelancers, casual workers and artists should be able to report in the same way

Raising Awareness

- Ensure all staff, freelancers, artists and volunteers are briefed on the Dignity at Work policy on their first day of work
- Recognise the blurred boundaries between work and social spaces. Don't exploit them

Suggested codes of behaviour

- It is never appropriate for someone in a junior role to be asked to work in a senior colleague's home out of hours
- It is never appropriate to verbally sexually objectify anyone's body at work.
- It is never appropriate to send unwanted personal or suggestive communications to a colleague
- It is never appropriate to initiate unwanted physical contact
- It is never appropriate to use threatening, abusive or offensive language with a colleague