



**National
Association of
Co-operative Officials**

DIGNITY AT WORK

'RESPECT WORKS'

Introduction

At some point most or all NACO members may come across some form of bullying and harassment. This guide is very important and will help all NACO members, maybe not now but in the future.

The prevention of negative behaviour towards employees at work is an important part of safeguarding the dignity of employees. This booklet discusses in some depth the main types of negative behaviour that can impair dignity at work and some ways to tackle these behaviours.

Support for people's dignity at work is one of the fundamental objectives of NACO. This is expressed in the NACO Rules under Rule 3 Objects, where Clause (g) states that one of the objectives of the Association is:

“To oppose all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion or belief, caring responsibilities, marital status, civil partnerships, sexuality, disability or age.”

But dignity at work for people cannot be fully achieved by the avoidance of negatives alone. Individuals being bullied are, according to statistics, less effective in their work with productivity declining by up to 50%. The creation of a happy, secure and productive culture at work will only come about if the employer genuinely values employees and develops a supportive work environment that helps and encourages each individual employee to develop to their fullest potential.

Harassment at work

The main types of behaviour that attack an employee's dignity at work can be grouped under the heading of “harassment”. It is a problem of major proportions nationally. Most employers recognise this and have policies in place that seek to prevent it.

It can affect employees at all levels. Managers are by no means immune and even quite senior managers and officials have been subjected to harassment. The effects vary widely. They can be relatively minor, but in extreme cases harassment can devastate personal life as well as careers.

It is a distressing and humiliating experience which frequently results in a weakening of self-esteem, loss of confidence and stress-related illness which can lead to depression or in some cases severe nervous breakdown. Job performance is usually affected and symptoms often include low morale, lack of creativity and absenteeism.

NACO seeks to protect its members against all forms of harassment at work. The aim of this booklet is to provide you with the information to help you recognise harassment whether aimed at you or at a colleague; and to suggest how best to protect yourself and others against its effects.

What constitutes harassment and how can it affect people at work?

Harassment can be defined as offensive, threatening and demeaning behaviour which is unwanted by the recipient, causes insult or injury or attacks the recipient's dignity and creates an unpleasant working environment.

Harassment at work most usually comes from other employees, be they more senior, peer group or even subordinate in status. Anyone who is perceived to be different can be particularly vulnerable. Thus, people at work may suffer harassment because of their skin colour, race, ethnic origin, gender, sexual orientation, religious or political beliefs, mental or physical disability, age or personal appearance. Whilst many policies concentrate on legislation, harassment may also take the form of name calling or where the perception of an individual is different to that of others, which will impact on that individual's self esteem.

Racial harassment is defined by the Equality & Human Rights Commission (EHRC) as "unwanted conduct of a racial nature, or other conduct based on race affecting the dignity of women and men at work". So, again, the word "dignity" is vital in all of this.

It is important to remember that what one person finds deeply upsetting, another may not. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as racial harassment by one person may not seem so to the harasser. There needs to be awareness from all parties as to the potential impact on the individual.

Some examples of behaviour that can constitute racial harassment are given below:

- The use of racially abusive language.
- Racist jokes.
- Racist name-calling.
- The display of racially abusive written or visual material.
- Open hostility to people of a particular ethnic origin or skin colour.
- Organised hostility in the workplace.
- Sectarian songs.
- Shunning people because of their race, colour, nationality or ethnic background.
- Being condescending to or deprecating people on racial grounds about the way they dress or speak.

Sexual harassment is defined in the European Code of Practice as "unwelcome conduct of a sexual nature, or other conduct based on sex, affecting the dignity of men and women at work". The key word here is "unwelcome". This distinguishes harassment from flirting or "having a bit of fun", both of which may be disciplinary matters in a workplace environment but, if not unwelcome, do not constitute harassment. The important thing to note is that it is not the intention of the perpetrator that defines whether behaviour constitutes harassment, but the perception of that behaviour by the recipient.

Examples of behaviour that can constitute sexual harassment include:

- Comments about the way a person looks.
- Lewd remarks or glances.
- Questions about a person's sex life.
- Requests for sexual favours.
- Sexual assault.
- The display of sexually explicit written or visual material.
- Continued suggestions for social activity outside the workplace after it has been made clear that this is unwelcome.
- Unnecessary touching, petting, pinching.

It is important to remember that what one person finds deeply upsetting, another may not. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as sexual harassment by one person may not seem so to the harasser. There needs to be awareness from all parties as to the potential impact on the individual.

Sexual orientation: Lesbians and gay men are both groups who are vulnerable to harassment at work. This form of harassment can often include drawing attention to an individual's sexual orientation or perceived sexual orientation or, if the individual has attempted to keep their sexual orientation private, threatening to "out" them to colleagues or management. Examples of the type of behaviour that can constitute harassment in this context include:

- Homophobic jokes.
- Gossip and innuendo.
- Making stereotypical assumptions about lesbians, gay men, bi-sexual and trans-gender individuals.
- Inviting husbands and wives only to events.
- Assuming that all gay men are HIV Positive.
- Exclusion from normal conversation/activities.
- Threatened or actual assault
- Abusive language
- The use/display of pornographic materials to intimidate.
- False allegations of sexual misconduct
- Sexual harassment and sexual abuse
- Threats to 'out' people and/or disclose personal confidential information.

It is illegal for employers to discriminate against employees on grounds of their sexual orientation, i.e. whether they are gay, lesbian or heterosexual. Harassment or victimisation on these grounds equates to discrimination.

Harassment in this context is defined by law as having the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

It is important to remember that what one person finds deeply upsetting, another may not. Differences of attitude or culture and the misinterpretation of social signals can

mean that what is perceived as harassment by one person may not seem so to the harasser. There needs to be awareness from all parties as to the potential impact on the individual.

Religion or belief: it is illegal for an employer to discriminate against employees on grounds of their religion or beliefs. There is no defined definition around religious belief but it is likely to include a collective worship, a clear belief system, and a profound belief affecting the way of life or view of the world. It also can include those who have no religious belief or are without religion.

Employers (and employees individually) can be held liable if they discriminate or harass on these grounds. Harassment or victimisation on such grounds equates to discrimination. The regulations extend well beyond the more well known religions and faiths to include beliefs such as Paganism and Humanism.

Harassment in this context is defined as “having the purpose of violating an employee’s dignity or creating for that employee an intimidating, hostile, degrading, humiliating or offensive environment”.

Examples of religious discrimination could include requiring a female employee to comply with a dress code that did not allow Muslim women to cover their arms and legs. Dress codes should be sufficiently flexible to allow employees to comply with their religious belief convictions.

Failure to accommodate religious observance wherever reasonably possible could constitute direct discrimination and be held to be unlawful.

It is important to remember that what one person finds deeply upsetting, another may not. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to the harasser. There needs to be awareness from all parties as to the potential impact on the individual.

People with disabilities can be the subject of harassment. The term “disability” can cover those who have a physical disability, a mental illness, or emotional, behavioural or learning difficulties. Harassment of people with disabilities is based on a person’s physical or mental disability and is offensive and/or intimidatory to the recipient.

The definition of a disability is a physical or mental impairment that is long-term and substantial and has an adverse effect on an individual’s normal day-to-day activities. It includes previous and progressive conditions. For example, it can include cancer, HIV, facial disfigurement, dyslexia as well as the more recognisable disabilities such as visual, audio and mobility impairment.

Examples of behaviour that constitutes harassment in this regard include:

- Repeated reference to the person’s disability.
- Adopting a patronising attitude.
- Offensive jokes aimed at or caricaturing the person’s disability.
- Exclusion.

There is a requirement upon the employer to make reasonable adjustments within the workplace to accommodate those employees with disabilities. There are no hard and fast rules regarding what can be considered as a reasonable adjustment. There are, however, a number of criteria under the Disability Discrimination Act to test whether a particular adjustment is reasonable. These are:

- Effectiveness in preventing disadvantage
- Practicability
- Costs of the adjustment and the extent of any disruption
- The extent of the employers financial or other resource

Many adjustments cost little or nothing and are often a matter of flexibility and developing a creative approach to working practise, such as: enabling flexible working, taking food breaks to manage diabetes, or allowing time off to attend doctor's appointments.

Other adjustments may include:

- Making changes to premises
- Getting or modifying equipment such as CCTV, voice activated computer software or a telephone adapted with an amplifier
- Translating instructions and reference manuals into accessible formats such as large print and audio cassette.
- Providing a reader or sign language interpreter
- Giving feedback in a particular way or allowing the individual to work in a private room if most of the work is done in an open office environment.

Access to Work is a scheme to help both employee and employer work out what the issues and likely solutions are. They may also give grants for making adjustments. Further information can be obtained via the Job Centre web site <http://www.jobcentreplus.gov.uk>.

It is important to remember that what one person finds deeply upsetting, another may not. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to the harasser. There needs to be awareness from all parties as to the potential impact on the individual.

Age: The Employment (Age) Regulations 2006 came into force on 1st October 2006 and it is now unlawful to discriminate against employees and potential employees because of their age.

The regulations cover recruitment, terms and conditions of employment, promotion, transfer, dismissal and training. They may make it unlawful on the grounds of age to:-

- Discriminate directly against anyone – to treat them less favourably than others (unless it can be objectively justified). For example it will be unlawful on the grounds of age to decide not to employ someone, dismiss them, refuse them training, deny them promotion, give them adverse terms and conditions

of employment, or to retire an employee before the usual retirement (if there is one) or retire an employee before the default age of 65 without an objective justification.

- Discriminate indirectly against anyone – that is, to apply a criterion, provision or practice that disadvantages people of a certain age unless it can be objectively justified. For example, indirect discrimination includes selection criteria, policies, benefits, employment rules and any other practice although applied to all staff has the effect of disadvantaging people of a particular age. Indirect discrimination is unlawful whether it is intentional or not
- Subject someone to harassment – Harassment as previously mentioned is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them, having regard to all the circumstances including the perception of the victim. This includes, for example, intentional bullying which is obvious or violent but it can also be unintentional and subtle. It may involve nicknames, name calling and teasing or other behaviour which is not with malicious intent but which is upsetting. It may be about the age of the individual or the age of those the individual associates with. It may not be targeted at an individual(s) but consists of a general culture which appears to tolerate the telling of ageist jokes.
- Victimisation – It is unlawful to victimise someone because they have made or intend to make a complaint or allegation or to give evidence in relation of an allegation of discrimination on the grounds of age. This does not solely apply to age discrimination but may apply elsewhere.
- Discrimination after the working relationship has ended – It is unlawful to discriminate in certain circumstances and these issues covers such areas as verbal and written references.

There are also limited circumstances when discrimination may be lawful. Treating people differently on the grounds of their age will only be justifiable in the following exceptional circumstances:

- Objective Justification – Individuals may be treated differently on the grounds of their age if there is an objective justification. An objective justification allows employers to set requirements that are directly age discriminatory. This is only possible with good reason and there is a requirement to provide real evidence to support a claim of objective justification. An example of an objective justification would include the health, welfare of the individual (including the protection of young people or older workers).

Exceptions and exemptions

There are also exceptions to and exemptions from the age regulation and these include the following areas:

- Pay and other employment benefits based on length of service – in many cases employees require a certain length of service before rewarding a benefit such as holiday entitlement. Without the exemptions contained in the regulations this could often amount to indirect age discrimination because some age groups are more likely to have completed the length of service than others.

- Pay related to the National Minimum Wage - nothing in the regulations will alter the provisions of the National Minimum Wage.
- Acts under statutory authority - age criteria are widely used in legislation e.g. to qualify for various licenses. Where this is the case the employer must follow the law laid down by statute and will not be contravening the age regulations by doing so.

Genuine occupational requirements – in very limited circumstances it would be lawful for an employer to treat people differently if it is a genuine occupational requirement that the employee must be of a particular age. For example in relation to actors and perhaps models

Bullying at work is a form of harassment and one that occurs not infrequently at management level.

The ACAS definition of a bully is “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient”.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Examples of bullying behaviour include:

- Physical threat.
- Assault.
- Insulting or abusive behaviour or gestures.
- Unfair allocation of work or responsibilities.
- Deliberate isolation of an individual or group of people.
- Intrusion by pestering, spying, following.
- Repeated threats.
- Continual nit-picking about work performance outside normal disciplinary procedures.
- Public humiliation.

The effects of harassment in its various forms vary widely but can be severe.

A person who is subjected to harassment at work is often made to feel isolated and can therefore find it difficult to complain. For that reason, the process of harassment can sometimes continue over a long period.

This can have a severe impact upon the person who is harassed. Apart from feeling threatened, humiliated, patronised and miserable, there can be a direct effect upon an individual’s health, both mental and physical. Symptoms can include anxiety, tension, irritability, depression and physical indicators including the onset of headaches, sleeplessness, unusual tiredness, digestive problems, physical shaking and general debility.

People who have been subjected to harassment usually dread coming to work. They become fearful of the harasser and may find themselves adopting (consciously or unconsciously), appeasement behaviour towards the harasser. They frequently find it difficult to concentrate. Their judgement suffers and their ability to work constructively and creatively can deteriorate to a marked extent.

Harassment can have a severe effect upon an individual's life outside of the workplace. It can impact on relationships with family and friends. In extreme cases, particularly where harassment continues over long periods, it can result in depression, nervous breakdown and can even lead to suicide attempts.

So, harassment is bad for employee morale, bad for employees, bad for productivity and bad for business. It is one of the main factors that adversely impact upon people's dignity at work.

All employees, especially management, should maintain their vigilance to identify cases of harassment, investigate them carefully and eradicate behaviour that causes the problem.

Bullying and harassment can be persistent or an isolated incident.

NACO's policy on harassment at work

1. It is NACO's policy to seek to protect members from all forms of harassment at work by:
 - 1.1 providing a clear policy statement.
 - 1.2 providing written guidance for members.
 - 1.3 providing societies with a recommended set of procedures for dealing with harassment issues.
 - 1.4 representing members who feel that they are being harassed.
2. Where it is shown that harassment has occurred, NACO will seek to ensure that effective action is taken by the employer to stop the harassing behaviour and prevent any recurrence.

Where a member has been subjected to harassment, NACO will seek to agree with the employer measures to support the member who has been subjected to harassment, including professional counselling where appropriate.

3. All forms of harassment, whether by NACO members or others, constitute unacceptable behaviour that could lead to disciplinary action being taken by the employer, including summary dismissal for the more serious cases.
 - 3.1 in certain situations, harassment can constitute a criminal offence under statutory law.
 - 3.2 harassment is unacceptable behaviour. It is strongly condemned by NACO.

- 3.3 NACO members are expected to be vigilant in this regard and to take all reasonable steps to prevent harassment occurring in the workplace.
4. NACO will provide representation and guidance for any member accused of harassment.
 - 4.1 if the member denies the accusation, NACO will represent him/her on the basis that an employee should be assumed innocent until proven otherwise.
 - 4.2 if the member admits to the behaviour complained of or if it is proven, then NACO will seek to ensure that s/he gets a fair hearing, that all points in mitigation are considered and that any disciplinary action taken by the employer is fair and reasonable having regard to all the circumstances.
 - 4.3 NACO will also consider, with the employer, whether the member could benefit from professional counselling to correct the behaviour that resulted in the harassment.
 - 4.4 where an allegation of harassment is shown to be unfounded NACO, acting with the employer, will seek to ensure that all reasonable steps are taken to restore to the reputation of the member wrongly accused. This will be particularly important in cases where the allegations were made public either within the workplace or on a broader basis.
 - 4.5 whether founded or unfounded refresher training and awareness in the workplace training should be provided by the employer.

Preventing harassment

1. Your employer should publish a statement of policy making it clear that harassment at work constitutes unacceptable behaviour and will be dealt with firmly, including dismissal in severe cases.
2. Your employer should publish clear and comprehensive procedures for dealing with harassment. These procedures should tell you what steps you can take if you feel that you are being harassed.
3. Employees at all levels should be educated in the importance of preventing harassment at work in the interests of the employees themselves and the efficiency of the business. Modules on harassment and dignity at work should be incorporated into all appropriate training programmes, in particular induction training.
4. Specific reference should be made to harassment as a disciplinary offence in all employee handbooks.
5. NACO will seek to educate and guide members in the importance of ensuring dignity at work and avoiding harassment by policy statements, by appropriate publicity and by keeping the subject on the agendas for NACO meetings.

What can you do if you are subjected to harassment at work?

1. Refer to your employer's policy statement and procedures for dealing with harassment. Your employer should have a clear, published procedure for making complaints. Find out if your employer gives you access to external counsellors with whom you can discuss the problem in confidence. Many employers now appoint a range of internal and external counsellors to whom you can report the problem in confidence, who have been trained in dealing with harassment and who have the skills and authority to conduct impartial investigations where appropriate.
2. Contact NACO to discuss the matter confidentially with a full-time official. You may also wish to raise the issue with a more senior line manager or HR Manager.
3. If you feel sufficiently confident, you may confront the harasser. Explain clearly what behaviour it is that you find offensive or threatening and why; and ask them to stop this behaviour. Alternatively or as a follow-up, consider putting this in writing to the harasser so that there is a clear record of the fact that you have complained and asked them to stop.
4. Keep a record of incidents including the name of the harasser, date, time, place, the nature of the harassment and its duration, together with a note of any witnesses.
5. Seek medical help/advice.
6. If there is no effective response from your employer seek help from NACO. The Association will be happy to discuss such problems in strict confidence and will not approach your employer on the matter without your express consent. NACO officials are skilled in dealing with harassment and will take the matter up with your employer if you so wish.
7. If the proposed solution is to move to a new role or department, do not agree without consulting NACO. If you have been harassed you have done nothing wrong; so your employer should not take action that might visibly suggest to other employees that you are in some way held to blame or are being punished. NACO will assist you in ensuring that the correct decision is being made in this regard
8. Do not resign without first consulting with NACO. It is always difficult to prove constructive dismissal and you should not allow yourself to be forced out of your job because of harassment. Recent legislation expects that formal grievance would need to be raised internally first using the agreed process.

What should you do if you witness harassment at work?

1. Do not be too surprised if the person being harassed appears to be trying to ignore the harassment. This is often symptomatic of the fact that someone who is subjected to a campaign of harassment can feel isolated and shamed by the experience and can sometimes respond by trying to ignore the obvious.
2. Refer to your employer's policy and procedures for dealing with harassment and seek advice immediately, usually from HR – but if in doubt do not hesitate to seek advice from NACO.
3. You may be called upon to give evidence at any subsequent investigation. Therefore you should make a note of what you have witnessed, anything you have been told by the person harassed, dates, times, place and the names of any other witnesses. You should keep this in strictest confidence and should not divulge it except with the express permission of the person who has been harassed.
4. If you feel comfortable in approaching the harasser about what you have witnessed then ensure that it is handled in a correct manner. Be mindful of any potential fallout of approaching the alleged harasser and if in doubt contact NACO for further advice and assistance. There are a range of ways in which you may be able to help the individual who is being harassed, these include:
 - Support to the individual
 - Talking to NACO
 - Talking to HR
 - Talking to your line manager
 - 'Whistleblowing' – take advice as this is action should be as a last resort.

Guidance if you are accused of harassment

1. If a colleague or a member of your staff tells you that some aspect of your behaviour is causing them harassment, listen carefully to the complaint. Treat the complaint seriously and try not to react defensively.
2. Remember that it is not what you intended by your behaviour but the recipient's perception of it that is at issue. For instance, what may appear to you to be nothing more than robust banter could be perceived by the recipient as being threatening, demeaning or abusive. Bullying is not acceptable and all of us have a responsibility to take the right action at the right time. If you are unsure about what to do, then please approach NACO for assistance.
3. Consider that you could be seeing the tip of an iceberg. Other colleagues and/or subordinates could also have been upset about your behaviour but felt unable to complain.
4. Acknowledge the complainant's feelings in a professional manner and review the complaint constructively.

5. Make a personal note of the complaint and your response immediately after the interview, so that you have a record in case the complaint is also made elsewhere.
6. If you do not fully understand the complaint or if you believe that you have been unjustly accused of harassment, consult a NACO official immediately and in confidence.
7. Discuss and seek advice from your own HR department.
8. If it appears that the complaint may lead to a formal disciplinary hearing, gather what evidence you can to support your defence.
9. NACO will represent you at any disciplinary hearing even if the complaint has been made by another NACO member. If this is the case, NACO will ensure that you are not represented by the Official who represents the complainant. There is an alternative to be represented by a work colleague.
10. NACO will represent you to an appeal stage if appropriate and may represent you beyond that, e.g. if you are dismissed and if the Association is convinced that there has been, potentially, an unfair dismissal, then NACO could provide legal advice and, where appropriate, legal representation to take a case to an Employment Tribunal.
11. If investigation shows that you have been unjustly accused of harassment and where the allegations received publicity either within the workplace or outside it, then NACO will seek to persuade your employer to take appropriate measures to restore your good name. If appropriate, NACO will ask the employer to provide you with professional counselling in circumstances where the accusation and investigation process has resulted in your being put under stress.

USEFUL CONTACTS LIST

- Your employer's Human Resources (HR) specialists
- Your employer's harassment counsellors – internal or external

For Co-operative Group and Co-operative Financial Services staff this is ICAS and their contact details are freephone 0800 0727072 or www.icasextra.com

- NACO: Tel – 0161 351 7900 Fax – 0161 366 6800
 - Neil Buist, General Secretary:
Mobile: 07780 672859
e-mail: : ndb@nacoco-op.org
 - Alastair McGregor, Senior Assistant Secretary
Mobile: 07879 403045
e-mail: am@nacoco-op.org
 - Bob Lister, Assistant Secretary
Mobile: 07795 522936
e-mail: bl@nacoco-op.org
 - Stefan Szymczak, Assistant Secretary
Mobile: 07768 21553
e-mail: ss@nacoco-op.org