

Dignity at Work Procedure

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****Trigger Warning:** Sexual Harassment, Bullying, Microaggression and Discrimination content.

1. Introduction

All our people bring with them a diverse set of perspectives, work, and life experiences, as well as religious and cultural differences. The power of diversity can only be unleashed, and its benefits reaped, when we recognise these differences and learn to respect and value each individual irrelevant of our background or role within the organisation.

This Procedure supports the Dignity at Work Policy and provides examples of expected standards of behaviour at work, together with options available to employees, volunteers, and delegates if they feel they have been subjected to unacceptable behaviour and the investigation process to be followed should a formal complaint be made.

2. Our Personal and Professional Responsibilities

We are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, by ensuring all our staff attend mandatory EDI training, raising awareness of the processes available for reporting harassment, and using our staff and EDI surveys to monitor our culture and performance.

Sometimes our own lived experiences, access and privilege prevent us from seeing or understanding why things are problematic or offensive. As humanitarians, it is our responsibility to attempt to see things through a different lens and to understand that **our** truth is not **the** truth. We should all take time to educate ourselves on the impact of what we, and others, say and how we behave.

There is a need within the humanitarian sector to educate ourselves and to show the humility that we are not always correct and that sometimes we have a lot to learn. We don't individually have the lived experiences to recognise when we are wrong but, hopefully, we do together.

We all have biases, and we need to actively work to recognise and mitigate our own personal ones. For example, recognising how benevolence bias may manifest for us (when, with good intentions, we make decisions on someone else's behalf) or confirmation bias (only absorbing and acting on information which supports our pre-existing beliefs).

Some additional examples of our responsibilities and expected standards of behaviour include:

- Being polite, responsive, and considerate
- Displaying a positive and respectful attitude
- Working with honesty and integrity
- Conducting ourselves in a professional manner
- Following BRC policies and procedures when dealing with problems or issues
- Not causing embarrassment, alarm, or distress to others
- Recognising the value everyone contributes, regardless of our position in the organisation
- Addressing subtle behaviours which deliberately or inadvertently excludes individuals from normal workplace activities, and which may offend, even if not directed at an individual or if there was no intent.

Recognising Unacceptable Behaviour

The main forms of unacceptable behaviour covered by this procedure are harassment, bullying, discrimination, and victimisation. The following protected characteristics are the grounds on which discrimination or harassment is unlawful:

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

However, an individual may make a complaint in terms of this Procedure for reasons, determined by that individual, which they find unacceptable or offensive and which are not linked to the protected characteristics.

The events which lead to complaints vary substantially according to all the circumstances of the individual(s) concerned. Only individuals can determine what is offensive to them. It is the impact of the conduct which is important and not the intent of the harasser/bully.

If you see or witness something that you feel is inappropriate or directed against an individual or group and you have the confidence to do so, you can compassionately challenge the incident. It is not always the responsibility of targeted or discriminated against people or groups to stand up for themselves, we can show **allyship** by recognising and addressing problematic or triggering incidents whilst checking in on and supporting the individual on the receiving end of the specific incident.

3. Definitions

Bullying

Bullying is not specifically defined in law and is the abuse or misuse of power to criticise, intimidate, insult, undermine or exclude an individual in a way which leaves them feeling hurt, humiliated, or vulnerable.

Bullying can happen by a manager or supervisor bullying a team member; team members bullying each other, or an individual or group of employees bullying a supervisor or manager. The behaviour may relate to one incident or be persistent.

This is not to be confused with firm, fair, consistent management where an employee does not agree with a reasonable management instruction.

Bullying can be split into two categories.

Obvious bullying examples include:

- Shouting or swearing at people in public and/or private
- Ignoring or deliberately excluding people
- Persecution through threats and instilling fear
- Spreading malicious rumours
- Constantly undervaluing effort
- Dispensing disciplinary action which is totally unjustified and not within policy
- Spontaneous rages, often over trivial matters

Less obvious bullying examples include:

- Withholding information or supplying incorrect information
- Deliberately sabotaging or impeding work performance
- Constantly changing targets
- Setting individuals up to fail by imposing impossible deadlines
- Removing areas of responsibilities and imposing menial tasks
- Consistently blocking applications for holiday, promotion, or training.

Harassment

Harassment is defined in terms of the Equality Act 2010 as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of: -

- violating an individual's dignity
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

It may be:

- an isolated incident or persistent behaviour
- deliberate or unintentional
- explicit or implicit

but as it is considered offensive/unwelcome/uninvited by the recipient, it acts in such a way as to humiliate, ridicule, or cause embarrassment.

The following are examples of harassment. This is not an exhaustive list:

- unwelcome physical contact
- verbal and written harassment including offensive jokes, offensive language, or songs, gossip, slander
- visual displays of posters, graffiti, obscene gestures
- display or circulating offensive material, comments by e-mail / mobile phone / social networking sites
- sectarianism / bigotry
- isolation or exclusion or non-co-operation at work
- intrusion by pestering or stalking another employee
- misuse of confidential information
- making threats
- microaggressions*

Sexual Harassment

The International Federation of Red Cross and Red Crescent (IFRC) defines sexual harassment as follows:

“Sexual harassment is any unwelcome conduct of a sexual nature, whether verbal, written or physical, that might reasonably be expected or be perceived to cause offense or humiliation. Sexual harassment may include unwelcome sexual advances, unsolicited requests for sexual favours, or any other conduct of a sexual nature that offends, intimidates, or humiliates another individual.”

Meaning of sexual harassment

Sexual harassment is defined as: conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of sexual harassment

Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

Physical Conduct

- Physical conduct of a sexual nature, unwelcome physical contact or intimidation.

Verbal or Non-physical Conduct

- Persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions.
- Unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults.
- Offensive comments about appearance or dress, innuendo or lewd comments.
- Leering, whistling or making sexually suggestive gestures.
- Gossip and speculation about someone's sexual orientation or trans or non-binary identity, including spreading malicious rumours.
- Sexual comments or jokes.
- Making promises in return for sexual favours.
- Making sexual gestures.
- Intrusive questions about a person's private or sex life or a person discussing their own sex life.

Display of Distribution of Offensive Material

- Showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media);

The BRC acknowledges the profound and unique trauma that can result from sexual harassment. We understand the lasting emotional, psychological, and physical impacts, and recognise the complexity of these situations, including power dynamics and emotional distress. We are committed to a trauma-informed approach, ensuring all

responses are conducted with empathy, respect, and an understanding of varied trauma reactions

***Microaggressions**

These are commonplace verbal, behavioural or environmental slights, whether intentional or unintentional, that communicate hostile, derogatory, or negative attitudes toward stigmatised or culturally marginalised groups.

Examples:

- Asking a person of colour 'where they are really from' or mistaking a person of colour for another person of colour.
- When someone assumes a colleague from a minoritised ethnic group is foreign-born.
- When someone makes an assumption about a colleague's intelligence on the basis of their race.
- Assuming a colleague does not like a lot of noise in the office because of their age or that a younger colleague is not in a senior role.
- When a woman speaks up during a meeting and afterward is told that she was being too assertive / emotional or presuming they cannot take up certain opportunities because of childcare commitments.
- Excluding a co-worker with a disability from an after-work event due to the assumption that they are not capable of participating.

'Banter' is neither an appropriate excuse for the behaviour nor an appropriate way to communicate in the workplace. Conversation in the workplace that targets specific groups or individuals and causes offence, which may often be referred to as 'banter,' is offensive and degrading regardless of the intention.

Legislation prohibits three types of harassment:

- harassment related to a relevant protected characteristic. Pregnancy, maternity, marriage, and civil partnership are not protected directly under harassment provisions but are protected indirectly under other characteristics
- sexual harassment
- less favourable treatment of an individual because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.

Harassment by association means that individuals are protected if they are subjected to unwanted conduct because of their association with someone who has a protected characteristic.

Harassment by perception means that individuals are protected if they are subjected to unwanted conduct by others who wrongly perceive that individual has a protected characteristic.

Discrimination

Discrimination can be direct or indirect. Direct discrimination is when an individual is treated less favourably than others and is generally unlawful.

Indirect discrimination occurs where the effect of certain requirements, conditions or practices imposed by an employer has a disproportionate adverse effect on a particular group unless it can be justified.

Discrimination by association is direct (associative) discrimination and applies if an employer treats an employee less favourably because of the employee's association with another person who has a protected characteristic. This does not apply to marriage and civil partnership or pregnancy and maternity.

Discrimination by perception is direct (perceptive) discrimination and applies if an employee is treated less favourably because the employer mistakenly thinks that the employee has a protected characteristic. This does not apply to marriage and civil partnership or pregnancy and maternity.

Discrimination arising from disability only applies to disabled employees and differs from both direct and indirect discrimination. There is a duty on employers not to treat disabled employees unfavourably because of something connected with their disability.

Victimisation

Victimisation is where an individual perceives they receive less favourable treatment than other individuals. An employee need not have a particular protected characteristic in order to be protected against victimisation. To be unlawful, victimisation must be linked to a protected act. Examples of a protected act are:

- bringing proceedings under the Equality Act 2010
- giving evidence or information in connection with proceedings brought under the Act
- doing anything which is related to the provisions of the Act
- making an allegation (whether express) that another person has done something in breach of the Act.

4. Procedure

Individuals who believe they have not been treated with dignity and respect can take action by using the following procedure. In such circumstances, they should keep notes and diary records of any incidents which they perceive contribute to this situation and note the presence of any witnesses. This will assist any subsequent investigations. The individual should also seek support from one or more of the following, who will assist them to decide on the course of action to follow:

- their line manager
- other manager (if it is impractical to seek support from their own line manager)
- Staff Association Representative
- Advice & Casework Team representative

If an individual does not wish or feels unable to take action personally or wishes from the outset to seek support from an independent person, then they should speak to a member of the Advice & Casework Team who will be impartial and can outline all the options available to the individual, to assist them in deciding on the best course of action.

Employees/volunteers/delegates are encouraged to take responsibility for dealing with their own case and to challenge the unacceptable behaviour. However, it is acknowledged that there may be occasions when the Advice & Casework Team will contact the individual the complaint is against directly, and on the employee's/volunteer's/delegate's behalf. However, this should not detract from the individual's ownership of the issue.

4.1 Options for Taking Action

There are three options available to individuals:

a. Personal Action

An individual could speak or write to the person concerned to let them know that their behaviour is unacceptable, the effect it has had, and that it should stop. The person who has been contacted must respond appropriately.

b. Informal Procedure

It should be acknowledged that the individual whose behaviour has caused distress may be unaware of the distress they have caused and that another individual finds it unacceptable. Following the informal process can allow matters to be raised and resolved without the need to use the formal procedure.

Discussions on a suitable course of action, together with support and advice, are also available from the following sources (these discussions will be dealt with promptly in a confidential, sensitive manner): -

- their line manager
- other manager (if it is impractical to seek support from their own line manager)
- Staff Association representative
- Advice & Casework Team representative

Individuals should be aware that by raising a concern with their line manager or other manager, the manager may consider the complaint serious enough to invoke the formal procedure.

Discussions may be held, if appropriate, between the affected individual and the individual who has caused them distress, and the employee/volunteer may be supported by one of the above sources during such discussions.

Mediation

Mediation is an informal process where a neutral third person (mediator) tries to help colleagues in dispute to find a mutual resolution to their conflict.

Successful mediation requires the parties involved to participate willingly and work with each other and the mediator to try and resolve the problems between them and to find a way forward.

The mediator's role is not to take sides or decide who is right or wrong. Mediation can be used at any stage in a dispute but is often most effective if used early on.

While one of the aims of mediation is to try and prevent the use of formal procedures, there can also be a role for mediation following a formal process to attempt to re-build the relationship between the parties who have been involved in that process.

Where mediation is considered to be appropriate and if both parties agree to participate, the Advice & Casework team may refer the case to one of our trained mediators or external mediator (where appropriate).

Please contact the Advice and Casework team, HR@redcross.org.uk to arrange a mediator to support in any informal or formal grievance resolution.

c. Formal Procedure

If the individual is unable to resolve a complaint through the informal route or if they consider it sufficiently serious from the outset, then the formal route can be used. In such circumstances the complaint must be submitted in writing specifying the basis of the complaint, to the individual's Director (Level 7 or above), who will nominate a senior manager out with the directors' service to consider the outcome of an impartial investigation. This senior manager will appoint an Investigation Panel who will comprise of two individuals out with the Director's service. For some examples on how this would apply please see Appendix 2

Both parties will be advised in writing of the outcome of the investigation. The outcome of the investigation may result in action, including possible disciplinary action, being taken against the employee who is the subject of the complaint. Due to data protection legislation, the specific nature of any action taken will not be shared with the complainant.

In all cases, the individuals concerned will be treated sensitively, with confidentiality being maintained at all times. This is subject to the right of the individual who is the subject of the complaint being able to access information relevant to the complaint and having the opportunity to respond to the allegations.

The individual raising the complaint must also be aware that if, after investigation, the complaint is found to be malicious or false then they may be subject to disciplinary action as a result.

If the allegation made is serious, a manager may choose to initiate an investigation and take the matter through the Disciplinary Procedure, even if the individual has chosen not to use the formal procedure in the Dignity at Work Policy.

4.2 Investigation

Where an investigation is undertaken using this procedure, the investigating panel will comprise a minimum of two individuals, who will be supported by a member of the Advice & Casework team. Consideration should always be given to the composition of the panel considering the circumstances of the investigation, i.e., taking into account all relevant equality strands. The lead investigating officer on this panel will be drawn from out with the immediate section of the person(s) involved.

An investigation into a formal complaint through the Dignity at Work Procedure should normally be completed within 12 weeks, where possible and reasonable. Completion within this timescale will be dependent on the extent and complexity of the investigation and the sensitivity of the matter being investigated. At the start of the investigation, both parties will be advised how long the investigation is likely to take and the names of the panel members undertaking the investigation. The lead investigating officer will keep

both parties informed if the indicative timescale will not be met, advising both parties of an anticipated revised completion date, giving reasons for the revised timescale.

The investigation report will be submitted to the nominated senior manager who will decide whether the complaint is upheld, not upheld, or upheld in part. The nominated senior officer will write to both parties within 14 calendar days of receiving the report, informing them of the outcome. The Advice and Casework Team have a responsibility for assisting managers and supervisors to carry out recommendations arising from investigations, as appropriate.

4.3 The right to be accompanied

You will be offered the opportunity to be accompanied by a work colleague (including a volunteer), an accredited trade union representative, or a staff association representative at any meeting which forms part of the of the Dignity at Work procedure.

The name and details of the companion should be shared with the Investigation panel, or the Advice and Casework Team at least 24 hours prior to any meeting.

If your chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than 7 calendar days afterwards, you may be asked to choose someone else.

Acting as a companion is voluntary and colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

At the discretion of the Investigation panel, you may be allowed to bring a companion who is not a colleague or union representative (for example, a family member) if this will help overcome a disability, or if English is not your first language.

Your companion should be allowed to address the meeting to put and sum up your case, respond on your behalf to any views expressed at the meeting and confer privately with you during the meeting. Your companion does not, however, have the right to answer questions on your behalf or address the meeting if you don't want them to.

5. Outcome

The appropriate action taken in any case will be dependent on all the circumstances of the case and the individuals involved. An objective decision should be made on whether harassment, bullying, discrimination, or victimisation has taken place having considered the findings of the investigation panel. It is not possible to provide the definitive course of action to be adopted in each case. As a general guide, the nominated senior officer should consider one or more of the following potential outcomes:

Allegations which are upheld/upheld in part

- issue an informal caution and provide appropriate counselling/training;
- consider a transfer to another workplace within the Service of the employee who is the subject of the complaint and provide appropriate counselling/training;
- review the existing working practices to minimise contact between both individuals and provide appropriate counselling / training, or
- invoke the formal disciplinary procedure.

In situations where relocation or transfer of the individual who is the subject of the complaint, takes place after a complaint is upheld, consideration may also be given to the relocation of the complainant if circumstances determine that relocation may be in their best interests, and if agreed by the complainant. This may be progressed if appropriate and practicable.

At the end of this procedure, both parties will be advised of the outcome, in writing within 14 calendar days.

Allegations which are not upheld

- Where, having considered the findings of the investigation panel, the nominated senior officer decides no further action is required, he/she will advise both parties in writing within 14 days of receiving the investigation report.

6. Appeal

If, following the investigation, the complainant is unhappy with the decision of the nominated officer not to uphold a formal complaint, or uphold it only in part, they will have the opportunity to exercise their one right of appeal against the decision, which will be considered by an Appeal Manager.

In such circumstances the complainant must write to their Appeal Manager within 7 days of receiving the decision of the nominated senior manager, detailing the reasons why they are dissatisfied. In general, an appeal may be submitted where:

- The complainant has not received enough information about the findings of the investigation;
- The complainant disagrees with the findings of the investigation. It is not sufficient to base an appeal on the grounds of disagreement with the findings or outcome, specific details of the nature of disagreement must be provided.
- The complainant feels that procedural errors occurred in the investigation. Full details of any perceived procedural errors must be provided.

The Appeal Manager will acknowledge receipt of the appeal letter, in writing, within 7 days of receiving it.

The appeal process will not re-investigate the original complaint. The appeal will consider whether the outcome of the original investigation was carried out in a comprehensive and thorough manner, and the conclusions reached were logical and based on all available evidence. The appeal will consider:

- Were the findings appropriate and based on evidence?
- Was any evidence missed?
- Was the information supplied to the employee/volunteer/delegate sufficient to allow them to understand the outcome and the reasons why?

When an appeal letter has been received, the Appeal Manager will inform all parties involved in the investigation that an appeal has been received and will conduct an independent, paper-based review of the findings, with a representative from the Advice & Casework Team. The review will normally be undertaken within a further 21 calendar days.

The Appeal Manager will confirm in writing to the complainant the outcome of the appeal in writing within 7 calendar days and will also confirm that there is no further right of appeal.

7. Support Mechanisms

Counselling can be a useful support mechanism when dealing with complaints of harassment, bullying, discrimination, or victimisation. The [Employee Assistance](#)

[Programme](#) is available to both the complainant and the individual who is the subject of the complaint during any stage of the process and on completion of the process.

Staff Association representatives, line Managers and Advice & Casework Team representatives can also offer support and advice to all parties, both during and after the process.

8. Confidentiality and Record Keeping

Dignity at Work matters will be addressed sensitively with respect for the privacy of individuals involved. All individuals must treat any information shared with them as confidential. Breach of confidentiality may result in further disciplinary action.

Information about disciplinary action will be placed on the employee’s personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

9. Governance

Endorsing Authority; Endorsement date	Head of People Advisory; 09 2022	
Approval Authority; Approval date	Head of People Advisory; 09 2022	
Date effective	09 2022	
Interim update date	10 2024	
Review date	09 2025	
Version	1.1	
Revision history	Version	Summary of change(s)
	1.0	Original procedure document
	1.1	Expanded on the definition of sexual harassment and provided more relevant examples to be compliance with the new amendment of the Equality Act 2010. Added a trigger warning on the procedure to be in line with our trauma informed approach.

Appendix 1 – Examples of Harassment, Discrimination and Victimisation

Examples of harassment related to disability: -

An employee has a hearing impairment and is verbally abused because he wears a hearing aid.

An employee has a son with a severe disfigurement. His work colleagues make offensive remarks to him about his son's disability. The employee could have a claim for harassment related to disability.

Example of harassment related to sexual orientation: -

A worker is subjected to homophobic banter and name calling, even though his colleagues know he is not gay. Because the form of the abuse relates to sexual orientation, this could amount to harassment related to sexual orientation.

Example of sexual harassment: -

A female worker has a brief sexual relationship with her supervisor. The worker tells her supervisor that she thinks it was a mistake and does not want the relationship to continue. The next day, the supervisor grabs the worker's bottom, saying 'Come on, stop playing hard to get'. Although the original sexual relationship was consensual, the supervisor's conduct after the relationship ended is unwanted conduct of a sexual nature..

Example of sexual harassment: -

X person asks Y person if they want to meet up for a drink after work. Y person politely declines, but X person continues to send them links on Microsoft teams to restaurants and bars they could go to together.

Examples of discrimination by association: -

A lone father caring for a disabled son has to take time off work whenever his son is sick or has medical appointments. The employer appears to resent the fact that the worker needs to care for his son and eventually dismisses him. The dismissal may amount to direct disability discrimination against the worker by association with this son.

A manager treats a worker (who is heterosexual) less favourably because she has been seen out with a person who is gay. This could be direct sexual orientation discrimination against the worker because of her association with this person.

Examples of discrimination by perception: -

An employer rejects a job application form from a white woman whom he wrongly thinks is black, because the applicant has an African-sounding name. This would constitute direct race discrimination based on the employer's mistaken perception.

A masculine-looking woman applies for a job as a sales representative. The sales manager thinks that she is transsexual because of her appearance and does not offer her the job even though she performed the best at interview. The woman would have a claim for direct discrimination because of perceived gender reassignment, even though she is not in fact transsexual.

Examples of victimisation: -

A grocery shop worker resigns after making a sexual harassment complaint against the owner. Several weeks later, she tries to make a purchase at the shop but is refused service by the owner because of her complaint. This could amount to victimisation.

An employer threatens to dismiss a staff member because he thinks she intends to support a colleague's sexual harassment claim. This threat could amount to victimisation, even though the employer has not actually taken any action to dismiss the staff member and may not really intend to do so.

Appendix 2 – Examples of appointing investigation panels

H&LCR example

Individual raises concerns to Director for Health and Local Crisis Response. Director then appoints senior manager from a service different e.g., Mobility Aids, Refugee Services, Fundraising etc.

Retail example

Individual raises concerns to Director of Retail & Community Fundraising who then appoints senior manager from a different service. E.g. Red Cross Training, CES

CES example

Individual raises concerns to UK Director Community Equipment Services and Mobility Aids who then appoints to senior manager from a different service. E.g., Finance Planning & Resources, Philanthropy