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DIGNITY AT WORK POLICY v6

POLICY STATEMENT

All staff should be free to carry out their work with dignity and respect in an environment that is free from discrimination, intimidation, harassment and bullying. MAG will take a zero-tolerance approach to any behaviours which compromise these basic rights.

PURPOSE

This policy explains:

1. The behaviours that are unacceptable.
2. Outline the responsibilities of all MAG representatives, especially managers in creating a work environment where everyone is treated with dignity and respect.
3. How to raise concerns about your own or someone else's treatment at work.
4. How and when to report concerns

SCOPE

This policy applies to all MAG employees (international, national and HQ), interns, volunteers, consultants, contractors, trustees, plus accompanying partners and family members of international staff. Where employees or staff are referred to in this document, these groups of people are included.

DEFINITIONS

Protected Characteristics

The Equality Act 2010 identifies nine protected characteristics relating to discrimination which are as follows: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

In line with the Equality Act 2010 bullying, harassment or discrimination against someone as a result of a protected characteristic is illegal, and victims can make a claim to an employment tribunal if they feel their rights have been violated. MAG recognises that all staff, whether they have recourse to an employment tribunal in the UK or not, have the right to be treated with dignity and respect. Consequently, all staff, regardless of their legal status, will be covered by the principles and the values of this policy

Harassment

The Equality Act 2010 defines harassment as *'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'*.

It is behaviour that is considered unwelcome, unwarranted and causes a detrimental effect. It does not necessarily need to take place face to face but can involve e-mail, text, Skype or any other forms of communication.

This policy covers Direct and Indirect Harassment:

- Direct Harassment: behaviour that an individual finds offensive or causes them harm, which has been primarily directed towards them.
- Indirect Harassment: behaviour that an individual finds offensive or causes harm, even though it is not directed at them.

Harassment can take many forms and may include:

- Unnecessary and unwanted physical contact ranging from touching to serious sexual or physical assault;

- Verbal comments such as sexist, racist and homophobic comments or innuendo, derogatory remarks about a protected characteristic, insults, comments of a personal nature, suggestive remarks, inappropriate jokes or language;
- Unwanted non-verbal conduct including sexually suggestive gestures, staring and leering;
- Unwanted sexual attention or advances;
- Unfair treatment, which might include deliberate exclusion from conversations, emails or events at work for reasons based on a protected characteristic;
- Cyber bullying can take the form of detrimental texts sent via mobile phone or images of work colleagues posted on external websites including social networking sites;
- Any comment of behaviour which have the effect of isolating or humiliating a member of staff.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it reoccurs, once it has been made clear by the victim that they consider it offensive. However, one incident may constitute harassment, if it is sufficiently serious.

Third Party Harassment

Third party harassment can take two forms:

1. When a member of staff complains of harassment by a person who is not a member of MAG staff. They could for example, be suppliers, sub-contractors, donors, beneficiaries, visitors etc. In these situations, an internal investigation will take place that follows MAG's process as closely as possible, and the issue may be reported to the third parties' employer where appropriate and relevant.
2. When a third party complains to MAG of having been harassed by a MAG representative.

Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is intended to undermine, humiliate or denigrate the recipient. It is not based on any one clearly identifiable aspect of the person concerned. It is usually persistent and makes the recipient feel upset, threatened, humiliated or vulnerable and can undermine self-confidence. Bullying behaviour is largely identified not so much by the actions taken, but rather by the effect that it has on the recipient.

Bullying can take many forms and may include:

- Persistently criticising unnecessarily;
- Taking credit for other's work but never taking responsibility when things go wrong;
- Setting objectives with impossible deadlines with the deliberate intention of undermining an individual;
- Preventing progress by, for example, blocking promotion without justification;
- Withholding information or removing areas of responsibility without justification;
- Disproportionately excessive or under supervision;
- Shouting at or criticizing a colleague in public or private without justification;
- Deliberate isolation by ignoring or excluding a person;
- Spreading malicious rumours;
- Making inappropriate personal comments;
- At its most extreme, bullying can be physical e.g. hitting, pushing, damaging or stealing personal possessions.

Legitimate, constructive and fair criticism of an employee's performance or behaviour at work will not constitute bullying or harassment. To ensure individual and collective performance standards, managers must maintain the ability to critique, correct and question any relevant aspect of the work completed by their team members. Team members must be willing to accept any such feedback. However, it's hoped that it can be given in a way which is supportive and not undermining.

It's recognised that an occasional raised voice or argument will not constitute bullying. It's also recognised that an assertive communication or management style may be required at times, for example in the event of a critical

incident. Similarly, there may be times that instructions need to be relayed quickly. However, it is unacceptable to condone bullying behaviour under the guise of a particular management style.

Harassment or bullying is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient. As a result, it is possible that behaviour that is acceptable to some staff members may cause embarrassment, distress or anxiety to others. Therefore, harassment or bullying relates essentially to the perceptions and feelings of the recipient.

The definitions of bullying and harassment can overlap, and the terms are sometimes used interchangeably.

Victimisation

Victimisation occurs when someone is treated less favourably as a result of action they have taken or are believed to have taken. This can include making a formal complaint about someone or giving evidence against a colleague.

Harassment, bullying and victimisation on any grounds will not be tolerated at MAG.

APPLICATION

MAG is committed to tackling behaviour which is deemed to be inappropriate. Any type of harassment, bullying or victimisation is not acceptable.

In taking this approach, MAG understands that:

- It is the impact of the behaviour on a victim or complainant which determines bullying, harassment or victimisation.
- Behaviour that is acceptable to some employees may cause embarrassment, distress or anxiety to others;
- All concerns about the behaviour of others must be taken seriously and will be dealt with promptly;
- A complainant will not be victimised or retaliated against for bringing a complaint.

Impact of Bullying, Harassment and Victimisation

Individual reactions to bullying, harassment and victimisation can vary from simple irritation to extreme depression. Being the victim of bullying and harassment, or seeing this taking place in a team or an office can negatively affect a whole range of people in a number of different ways:

1. Anger and frustration at the lack of control and the unfair treatment
2. Some people may try to retaliate in some way
3. If unchallenged, it can have a significant negative affect on colleagues and can impact on whole teams, offices and bases
4. Stress, depression, anxiety, loss of self-confidence and self-esteem
5. Individual and collective productivity and efficiency can be negatively affected
6. Tension and anxiety can lead to illness and absence from work.
7. Intense demotivation and resignation

Roles and Responsibilities

Employees

In addition to being responsible for their own behaviour, all employees have a role to play in helping to create a working environment in which harassment and bullying are always unacceptable. In particular, employees must:

- Treat all staff with dignity and respect;
- Be aware of their own conduct, behaviour and the potential impact this could have on other people;
- Understand that 'harmless banter' or 'a bit of fun' could be misconstrued by others;
- Be aware that while some people aren't likely to take offence to personal remarks or sarcasm, others will;
- Avoid colluding with or ignoring any inappropriate behaviour;
- Know that they do not have to tolerate bullying or harassment at work;
- Ask for clarification if you are unsure of the standards or behaviours expected

- Make their manager (or another senior manager/the HQ HR team) aware if they suspect that bullying or harassment is taking place.

Managers

- Treat all staff with dignity and respect;
- Lead by example through a fair, consistent and open management style;
- Ensure their staff are familiar with this policy and with acceptable and unacceptable standards of behaviour;
- Create and sustain an atmosphere of tolerance and respect within and between teams;
- Challenge unacceptable behaviour in the workplace;
- Ensure that complaints are taken seriously, are investigated and dealt with promptly, assertively and decisively;
- Inform their line manager (or another senior manager/the HQ HR team) if they suspect or become aware of any instance of bullying or harassment. Bullying and harassment is likely to constitute a safeguarding concern. It's therefore important that all issues are reported to HQ as soon as possible to ensure that MAG is meeting internal and external reporting timescales and expectations. Incidents need to be reported before an investigation takes place.

Human Resources

- Provide support and guidance to managers as to how to deal with complaints or suspicions of inappropriate or unacceptable behaviour.
- Give informed and appropriate advice to any member of staff who requests it.
- Provide advice and guidance during any investigation and disciplinary action relating to alleged harassment, bullying or victimization
- Provide briefing and training to raise awareness of the issues everyone is treated with dignity and respect.
- Ensure that local labour laws, equality laws and support services are identified and understood to enable actions to be taken in accordance with local legislation.
- Ensure support is provided in line with the provision as stated in the policy.

Resolving Complaints

All complaints will be investigated and responded to in accordance with MAG's grievance and/or disciplinary procedures. The steps MAG will take to resolve the complaint are outlined below:

Informal Approach

In some cases it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease or change. If the employee feels that they are able to deal with the situation informally, then an informal resolution should be sought in the first instance.

- The employee should speak to the perpetrator and inform them that their behaviour is unwelcome and that they wish it to stop. In many cases the person may be unaware that their conduct is offensive and when told, will easily and willingly adapt their behaviour so that no further offence is caused. Specific examples of actions or conduct which are causing offence should be provided.
- Employees can seek the support of someone they trust when dealing with the situation.
- If the employee does not want to speak to the person directly, an email can be sent which explains the issue and the impact it's having with examples provided.
- If the employee is reticent to raise the issue for whatever reason, or if they have raised the issue and the problem continues they should speak to their line manager or if he/she is the alleged perpetrator, another senior manager. Reports can also be made to the relevant Regional Director or a member of the HQ HR Team if it's deemed appropriate and necessary or if any guidance or advice in reporting is needed. However, to encourage swift resolution, we encourage as many issues to be reported within the management line as possible.

- The manager should gather information about the offending behaviour including examples. With this information, they should make the alleged perpetrator aware of the concern and provide examples and describe the impact it has had. The alleged perpetrator will have the opportunity to respond to the allegation.
- At this stage, depending on the circumstance and the severity of the situation, a number of options are available to bring about a resolution:
 - a meeting takes place to discuss any underlying causes of the misunderstanding which could include unclear priorities or deadlines, miscommunication or language barriers
 - a mediated conversation between the two individuals takes place
 - one or both individuals modify their behaviours
 - rules and standards of behaviours are re-clarified
 - an apology is given and a commitment made to prevent any re-occurrence
- In discussion with the HR team at HQ, the manager should then decide on any action to be taken and if the behaviour is unacceptable, warn the offender that if the behaviour continues, it will be treated as a disciplinary offence. If the behaviour is found to be severe, a warning may be warranted at this stage as well.
- The situation should be monitored to ensure no further harassment or bullying takes place and the complainant is not deliberately excluded or subjected to any other detrimental treatment. The complainant should be aware that they can approach the investigating manager and/or a member of the HQ HR team at any time if there is any reoccurrence.
- We recommend that notes are kept of any informal actions taken in case these need to be referred to in future.

Formal Resolution

Where informal resolution proves unsuccessful or is deemed by the manager, senior manager and/or HQ HR Department to be inappropriate or insufficient, the formal resolution process should be followed:

- The employee should put the full details of the complaint in writing to their line manager or the next level of management, if the line manager is the person the employee feels is harassing or bullying them. Alternatively, the employee may send this to their Senior Manager in Country (SMIC), their Regional Director or a member of the HQ HR Team. The reporting@maginternational.org email address is also available for concerns to be sent to. The complainant should give examples of specific incidents and any actions taken to-date to resolve the situation.
- In line with MAG's Grievance Policy, receipt of this complaint will be acknowledged within 5 working days.
- The individual will be contacted to see if they understand and agree that the issue is being dealt with as a formal grievance. If not, it will be recommended that the individual follow the informal route described above.
- The question of whether or not to suspend the person against whom the allegations have been made, in line with MAG's Disciplinary Policy and Procedure, will also be considered.
- An appropriate Investigating Officer will be appointed to fully consider the matter. This individual will be supported throughout by a member of the HQ HR team.
- The Grievance Policy sets out the process we will follow to ensure that concerns are addressed fairly, consistently and as quickly as possible.
- The concerns will be investigated. This could involve:
 - Meeting with the employee and the perpetrator about the issues. At any such meetings, individuals will have the right to be accompanied. See MAG's Grievance Policy.
 - Meeting with any potential witnesses.
 - Reviewing any available evidence.
- Once the investigation is complete, the Investigating Officer will consider the evidence gathered and will provide a formal response in writing.
- Where a grievance is upheld this may result in a disciplinary action being taken and MAG's Disciplinary Policy and Procedure invoked.

- Complaints made by a third party or about a third party will be investigated in the same way as far as possible.

Even if a formal complaint is not made, MAG reserves the right to investigate any issues relating to dignity at work, harassment or bullying when brought to the attention of the HR team at HQ or a manager, where it is believed the organisation would be in breach of its wider duty of care and safeguarding responsibilities if it failed to do so.

All claims of harassment or bullying will be treated seriously. MAG will ensure that, as far as possible, all steps are taken to maintain confidentiality as far as is consistent with progressing the complaint. Any breaches of confidentiality will be treated seriously and may result in disciplinary action.

Malicious complaints

MAG will assume all allegations have been made in good faith and that the employee genuinely believes they have suffered harassment or bullying, whether or not that proves to be the case after investigation. Where an allegation is not upheld, it does not mean the complaint was malicious. The employee may still feel that they have been subjected to bullying or harassment but there was not the necessary evidence to substantiate the allegations.

If a complaint is judged to be entirely false and made with the deliberate intention of discrediting another employee, the employee will be dealt with under MAG's Disciplinary Policy and Procedure.

Support

MAG recognises that employees involved in harassment or bullying at work may experience emotional or psychological reactions to their experiences. Appropriate support will be made available to those concerned as necessary and in serious/extreme cases; redeployment may be considered if appropriate. An employee should talk to their manager, HR Manager or to someone that they trust if they wish to access further support.

REFERENCES

This policy should be read in conjunction with the following documents:

- Equal Opportunities Policy
- MAG's Grievance Policy and Procedure
- MAG's Disciplinary Policy and Procedure
- Safeguarding Policy and Framework
- Policy on Personal Conduct

APPROVAL AND DATES

This policy was approved by the Leadership Team, the HSC and the Board. This version of the policy takes effect on 1st January 2021 and will be reviewed in 12 months' time for approval at the October 2021 Board meeting.

POLICY OWNER

People and Organisational Development Director