

## UEA CODE OF PRACTICE: DIGNITY AND RESPECT IN THE WORKPLACE

### 1.0 Policy Statement

- 1.1 The University of East Anglia, referred to as “the University” throughout this document, is an international and multicultural community, which values and encourages diversity. One of the University’s aims is to create an environment for learning and working that is inclusive and respectful of differences and encourages all members of the University to value diversity. Through the application of our policies, procedures and practices the University is committed to ensuring equality of opportunity and fair treatment for students and staff, for potential members of our student and staff community, and for other users of our services.
- 1.2 The University has a zero tolerance of unlawful discrimination, harassment or bullying and aims to ensure that staff are treated with dignity and respect at all times and are protected from such behaviour and/or actions.
- 1.3 The University will thoroughly investigate all reports of inappropriate behaviour and conduct and will take appropriate action to address the situation that is proportionate to each case in line with the relevant University’s Disciplinary, Grievance, Dignity & Respect and Equality & Diversity codes of practice. {add links}

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## 2.0 Overview

- 2.1 This Code of Practice and associated Codes and Briefing Notes have been developed to demonstrate the steps that will be taken to ensure that the University has a culture of dignity and respect and to ensure its compliance with the Equality Act 2010 and other relevant legislation.
- 2.2 The University is committed to maintaining a working and learning environment that is free from any form of harassment and bullying. This Code sets out how the University intends to create an inclusive working environment and culture where staff are treated with dignity and respect and valued for their diversity.
- 2.3 The Council has delegated responsibility for its Equality and Diversity Strategy {insert link} to the Equality & Diversity Committee. The Committee is responsible for the continuing development of the equality and diversity strategy and for overseeing its implementation.
- 2.4 Promoting equality and valuing diversity is a priority for the University and each member of the University community. As an organisation, the University is committed to being an equal opportunities employer and to ensuring that it makes every reasonable effort to provide a supportive, inclusive environment to all staff irrespective of their protected characteristic(s). Through effective leadership and collective endeavour, the University will work towards a culture in which all are valued equally and diversity flourishes.
- 2.5 The University is committed to creating and maintaining a safe, inclusive and welcoming culture on campus and the Vice-Chancellor has pledged to provide clear leadership and support for the University's Never Ok campaign being run and promoted in partnership with the UEA Students Union.

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2.6 Never OK aims to:

- Foster a culture where there is a zero tolerance for sexual harassment, violence or hate crime against anyone;
- Enable frank, open and honest discussion about issues and provide clear signposting to training and support for all;
- Support and engage with our wider communities beyond the campus to challenge negative behaviour and promote a safe culture for all.

2.7 This Code of Practice should be read in conjunction with other key University documents, including but not limited to the Equality & Diversity Code of Practice, Recruitment & Selection Guidelines, Sickness Absence Guidelines, Flexible Working Guidelines and Capability Guidelines.

## 3.0 Scope

3.1 This overarching Code of Practice applies to all staff employed by the University, individuals registered on UEA's staffing registers, individuals holding honorary and/or secondment contracts, individuals undertaking work experience and self-employed individuals.

3.2 The University also expects the following groups to behave in a manner which complies with the expectations set out for staff :

- Students
- individuals undertaking work experience on placements
- members of the public
- service users
- individuals employed by other organisations (such as recruitment agencies, Consortiums and Partnerships)
- suppliers and contractors.

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## 4.0 The University's Legal Obligations

4.1 The main provisions of the Equality Act 2010, referred to as “the Act” throughout this document, came into force on 1 October 2010. The Act consolidated the many equality and anti-discrimination laws into a single Act covering nine protected characteristics. Harassment is a form of discrimination and is illegal under the Act.

4.2 As an employer, under the Health and Safety Work at Act 1974 the University has a legal responsibility for the health, safety and welfare of its staff. This ‘duty of care’ means that the University must make every effort to provide staff with a working environment that is free of bullying and harassment.

## 5.0 Definitions of harassment

5.1 The Equality Act<sup>1</sup> prohibits three types of harassment.

- **Harassment related to a relevant protected characteristic.** This is known as ‘unwanted conduct’ related to a person’s sex that has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. This form of harassment also applies to the other protected characteristics.
- **Sexual harassment - ‘Unwanted conduct’ of a sexual nature.** This has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. This can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings or sending emails with material of a sexual nature.

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<sup>1</sup> Source: Equality Act 2010 Code of Practice  
<https://www.equalityhumanrights.com/sites/default/files/employercode.pdf>

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- **Less favourable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.** It is unlawful to treat a person less favourably because they wither submit to, or reject, sexual harassment or harassment related to their sex.

## 5.2 The following are examples of harassment:

- Deliberate physical contact or gestures (touching, standing too close, leering, abuse, coercing sexual intercourse, assault)
- Display or circulation of offensive written material or images (sexually suggestive or pornographic images, objects, graffiti, e-mails, calendars)
- Demeaning language (sexual innuendos, lewd comments, racist, sexist or homophobic jokes, name-calling, threatening or insulting words)
- Request for sexual favours, including threat of dismissal, loss of promotion if requests are not met
- Shunning people because of their sexual orientation or the fact they have transitioned gender

## 5.3 The following protected characteristics are directly covered under the Act's harassment provisions:

- Age - {insert link to Code of Practice}
- Disability {insert link to Code of Practice}
- Gender reassignment {insert link to Code of Practice}
- Marriage and civil partnership {insert link to Code of Practice}
- Race (including Caste<sup>2</sup>) {insert link to Code of Practice}
- Religion or belief {insert link to Code of Practice}
- Sex {insert link to Code of Practice}

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<sup>2</sup> Current case law also means that race in the Equality Act can also pertain to caste.

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- Sexual orientation {insert link to Code of Practice}

5.4 Pregnancy and maternity {insert link to Code of Practice} is not directly covered by the Act and any harassing behaviour would relate to sex.

5.5 Harassment can never be justified. However, if an organisation/employer can show it did everything it could to prevent people who work for it from behaving like that, the individual harasser could also be liable. The individual manager and employer would need to provide appropriate evidence to demonstrate the employer has tried to prevent harassment taking place.

## 6.0 Definition of Discrimination

6.1 **Direct discrimination** where an individual is treated less favourably than another individual because of their protected characteristic.

6.2 **Indirect discrimination** occurs where a condition, rule, policy or practice that is applied equally to everyone has the effect of disadvantaging a particular group of individuals who are of a particular protected characteristic.

## 7.0 Definition of Victimisation

7.1 **Victimisation** happens when an individual is treated less favourably because they have made or supported a complaint related to discrimination in respect of a protected characteristic.

## 8.0 Bullying

8.1 There is no legal definition of bullying or cyber bullying. ACAS<sup>3</sup> has the following definitions:

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<sup>3</sup> Source ACAS <http://www.acas.org.uk/media/pdf/c/j/Bullying-and-harassment-in-the-workplace-a-guide-for-managers-and-employers.pdf> and <http://www.acas.org.uk/index.aspx?articleid=3379>

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- 'Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient (s) .'
- 'Cyber bullying is any form of bullying, harassment or victimisation online. It can spill from on-screen to off-screen and affect the face-to-face interactions between colleagues at work and away from work'.

8.2 Further information regarding use of social media is available in the Code of Conduct on Social Media Use {insert link} .

8.3 Bullying includes behaviours and actions that are verbal, physical and/or anti-social, such as exclusion, gossip and non-verbal body language.

8.4 The following are examples of bullying:

- Excessive destructive criticism
- Trivial fault finding
- Excessive monitoring and supervision
- Singling someone out for different treatment
- Setting up an individual to fail
- Withholding information
- Intentionally not providing support required
- Forcing someone to work excessive hours
- Frequently calling or texting someone when they are at home or on leave
- Delaying or denying applications for annual leave or training with no objective justification
- Shouting (threatening, swearing at, name calling)

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- Embarrassing and humiliating in front of others
- Physical (touching, hitting, pushing, standing too close, throwing items, assault)
- Giving someone the cold shoulder

## 9.0 Stalking

9.1 There is no legal definition of stalking. The Crown Prosecution Service<sup>4</sup> gives examples of stalking as ‘... following a person, watching or spying on them or forcing contact with the victim through any means, including social media. The effect of such behaviour is to curtail a victim’s freedom, leaving them feeling that they constantly have to be careful. In many cases, the conduct might appear innocent (if it were to be taken in isolation), but when carried out repeatedly so as to amount to a course of conduct, it may then cause significant alarm, harassment or distress to the victim.’

9.2 The Suzy Lamplugh Trust<sup>5</sup>, which runs the National Stalking Helpline, defines stalking as ‘...repeated, unwanted contact from one person to another which causes the victim to feel distressed or fearful. It differs from harassment in that a perpetrator of stalking will have an obsession with or fixation on the individual(s) they are targeting. The Trust gives the following as examples of stalking behaviour:

- Nuisance telephone calls
- Being followed
- Sending excessive emails
- Sending gifts or letters
- Death threats
- Monitoring behaviour

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<sup>4</sup> Source CPS [http://www.cps.gov.uk/legal/s\\_to\\_u/stalking\\_and\\_harassment/#a02b](http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/#a02b)

<sup>5</sup> Source Suzy Lamplugh Trust A Guide for Employers on Dealing with Stalking in the Workplace <https://www.suzylamplugh.org/Pages/FAQs/Category/anti-stalking>

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- Making false complaints to employers/police etc.
- Abuse of and through social networking sites
- Criminal damage
- Visiting home/place of work
- Blackmail
- Physical assault
- Sexual assault
- Computer hacking

9.3 Stalking is a criminal offence and can be covered under a range of civil legislation including, but not limited to, The Protection of Freedoms Act 2012 and the Protection from Harassment Act 1997.

## 10.0 Responsibilities

- 10.1 All staff have a responsibility to ensure that all members of the University community are treated with dignity and respect and are required to comply with this Code of Practice, associated Codes of Practice and other key University policies and procedures and with relevant legal requirements; and to ensure that their behaviour is not perceived as bullying in nature.
- 10.2 Staff are encouraged to draw to the attention of their manager or Human Resources any issues, which they believe to be unlawful discrimination, bullying or harassment.
- 10.3 Staff should consider making their manager and/or Human Resources Manager aware of issues related to their personal circumstances, particularly where this relates to their wellbeing, health and safety in the workplace or a practice that could result in unlawful discrimination, bullying or harassment.
- 10.4 Managers (this includes any member of staff with line management responsibility) need to be aware of their responsibilities under this Code of

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Practice and under the Equality Act 2010 and ensure that they are carried out appropriately. They must aim to prevent instances of bullying or harassment occurring and maintain dignity at work for staff at all times.

- 10.5 Where inappropriate behaviour is brought to a manager's attention, the manager is responsible for taking appropriate action. This includes addressing the behaviour of individuals not employed by the University as referred to in paragraph 3.2 of this document. Managers can seek advice and support from Human Resources in dealing with such matters.
- 10.6 The Vice-Chancellor and Executive Team requires all staff to complete the online Equality and Diversity training module that can be accessed via the Equality & Diversity, Human Resources and CSED webpages; and to re-complete a refresher every two years.

## **11.0 Procedures for dealing with Complaints of Harassment or Bullying**

- 11.1 The University takes seriously any complaints of harassment, bullying, discrimination or victimisation and will investigate as detailed in 1.3.
- 11.2 The University encourages individuals to try to resolve concerns on an informal basis and in as timely a manner as possible. You can receive advice from the individuals listed in paragraph 13 on the options available to try and resolve the situation or to signpost you to specialist advice.
- 11.3 Staff wishing to make a formal complaint of harassment, bullying, discrimination or victimisation can use the appropriate Grievance Procedure for support staff {insert link} or for academic staff {insert link}.
- 11.4 Additional guidance is available for complainants {insert link}, for those who have witnessed inappropriate behaviour {insert link}, for those who have had a complaint made against them {insert link} and for managers {insert links}.

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## **12.0 Allegations of harassment or bullying by line managers**

12.1 All managers have a duty and right to manage staff and legitimate management of staff must not be confused with bullying. Equally, managers must not abuse their authority as a manager or use it as a basis to bully or harass staff. Managers should strive to be seen as role models for staff and the standard of their behaviour in conjunction with the University's policies and procedures is paramount for creating an acceptable work culture.

## **13.0 Where can you seek help, support and advice in the University?**

13.1 The University does not tolerate bullying or harassing behaviour and individuals do not have to tolerate such inappropriate behaviour or believe that it is their fault.

13.2 Support is available to individuals who:

- Believe that they are being subjected to bullying or harassment;
- Believe they have witnessed others being subjected to bullying or harassment;
- Have been accused of bullying or harassment.

13.3 If you wish to discuss any concerns the following help is available:

- Your line manager
- A member of the Human Resources team {insert link to contacts}
- A member of the Equality & Diversity Team {insert link}
- Your Campus Trade Union representative (UCU, UNISON, UNITE)
- A UEA Staff Pride Dignity & Respect Champion {insert link}
- UEA's Staff Counselling Service

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## 14.0 Assault, Hate Incidents and Hate Crimes

- 14.1 The University encourages individuals who have experienced or witnessed an assault or hate crime or a hate incident, whether on the UEA campus/Norwich Research Park or off campus, to report it to the University and/or to the Police.
- 14.2 Further information on hate incidents and hate crimes is available in the Briefing Notes at {insert link}.
- 14.3 If you are in an emergency situation dial 999 or 112 for the Police and dial 01603 592222 for Security.
- 14.4 If you have been raped or seriously sexually assaulted The Harbour Centre<sup>6</sup> can provide you with support. You can contact the Centre direct on their 24 hour helpline 01603 276381 or be referred by the Police.

## 15.0 Confidentiality

- 15.1 As a general principle confidentiality will be agreed and maintained wherever possible during and after any complaint of harassment or bullying.
- 15.2 There may be situations where confidentiality cannot be kept, and this will be made clear to complainants at the time. For example, if a complainant tells, in confidence, something which puts the health and safety of the complainant or others at risk, this will need to be drawn to the University's attention.

## 16.0 Malicious complaints

- 16.1 The University takes seriously any complaints of harassment or bullying. Complainants who make false allegations with mischievous or malicious intent will be dealt with under the relevant disciplinary procedure.

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<sup>6</sup> The Harbour Centre is a Sexual Assault Referral Centre which provides services for people who are victims of rape, attempted rape or assault by penetration <http://www.theharbourcentre.co.uk/index.html>

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## 17.0 Monitoring

- 17.1 The Human Resources Division, on behalf of the University, is responsible for monitoring and reviewing the implementation of this Code of Practice to ensure its effectiveness.
- 17.2 The University will continue to monitor and review the impact of its policies, procedures and practices on staff and take action where appropriate to ensure that its policies are fully implemented.
- 17.3 Such action will include the provision of training and awareness, particularly for key staff groups where monitoring indicates that an area of policy, procedure or practice requires revision, or behaviour requires addressing.

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