

## Behaviour at work

### The policy

- 1 One of Solent University's enduring values is its commitment to social justice. As part of this the Equality, Diversity and Inclusivity Scheme underlines that the University is committed to the promotion of fairness and the provision of an environment that is free from discrimination and intolerance in all forms. The University also takes seriously its responsibilities to promote a safe, healthy and fair environment in which people can work.
- 2 In accordance with guidance published by the Advisory, Conciliation and Arbitration Service (ACAS) the University's policy is that everyone should be treated with dignity and respect at work. Unacceptable behaviour in the workplace, including bullying and harassment, is unacceptable and will not be tolerated by the University.
- 3 This policy fulfils the University's obligations as an employer. The policy applies to every employee of the University, and includes work away from campus.

Every employee is responsible for their own behaviour in the workplace. Managers also have additional responsibilities and these are set out in paragraph 8.

Unacceptable behaviour in the workplace, including bullying and harassment, by other people directed at a University employee is also unacceptable and will not be tolerated by the University.

- 4 Because unacceptable behaviour in the workplace is not tolerated the University will use the appropriate employment procedures to underline the seriousness with which it views these matters. To provide a clear and straightforward framework to address issues of concern two main employment procedures will apply most commonly -

An employee who wishes to complain about unacceptable behaviour, including bullying and harassment, should use the grievance procedure.

Unacceptable behaviour by an employee in the workplace will be referred to the disciplinary procedure.

The grievance procedure and the disciplinary procedure require that the circumstances of each case will be taken into account. The procedures provide the framework to ensure that concerns are addressed promptly, fairly, and with proper regard to confidentiality. Importantly, the use of these procedures also provides a framework to maintain the requisite degree of consistency across the university, and to guard against any concerns about people being treated differently.

The procedures are also sufficiently flexible to accommodate the special considerations that can sometimes apply to concerns about behaviour in the workplace. Informal action or the use of specialist counselling or mediation services may be appropriate and effective in some cases.

## The policy in practice

- 5 The ACAS guidance sets out that for practical purposes unacceptable behaviour in the workplace, from the perspective of the employee, can be summarised in the following terms -

*... something has happened to them that is unwelcome, unwarranted and causes a detrimental effect ...*

It is also important that managers are alert to the observance of any such behaviour and that they take prompt, pro-active and appropriate action in line with this policy.

- 6 Common forms of unacceptable behaviour in the workplace include bullying and harassment. The ACAS guidance sets out that -

*Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.*

*Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace ... that has the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It may be ... persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.*

*Note - the ACAS definition refers to characteristics set out in previous discriminatory legislation. The University adopts the extended range of protected characteristics included in the Equality Act 2010, these being; age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation, and also includes any references to any personal characteristics of the recipient.*

- 7 The ACAS guidance also recommends that examples of unacceptable behaviour should be provided. Illustrative examples include (but are not limited to) -

- Unfair treatment of someone
- Discriminatory practice of any type
- Exclusion
- Victimisation of any type
- Ridiculing, insulting or demeaning someone
- Use of foul or abusive language
- Spreading malicious rumours about someone
- Misuse of power or position
- Unwelcome sexual advances
- Threatening or aggressive behaviour
- Display of offensive materials

Unacceptable behaviour may be face to face or in other forms. It may be by written communications, visual images, electronic transmission, telephone, and automatic supervision and recording methods, etc.

- 8 Managers have particular responsibilities in relation to behaviour in the workplace. These responsibilities include -

- Setting a good example and being clear about what is unacceptable

- Providing a safe, healthy and fair work environment
  - Being alert to exhibited behaviours in the workplace both within their area of responsibility and more widely within the University
  - Taking appropriate action whenever unacceptable behaviour in the workplace is identified, including referral to the grievance procedure and/or the disciplinary procedure, as appropriate
- 9 Advice and guidance about behaviour in the workplace is available from managers, People and Development, and Trade Union Representatives. In some cases this may include onward referral to specialist support services, including access to counselling or mediation services where this is appropriate.

Seeking advice at an early stage can also be important because it provides the best opportunity to seek to resolve a concern or difficulty through informal action (paragraph 4 refers). However informal action should not serve to delay purposeful action (through the grievance and/or disciplinary procedures) to resolve a concern or difficulty if the circumstances of the particular matter indicate that informal action would either be inappropriate or not effective.

- 10 If the University finds that an employee complaint about unacceptable behaviour in the workplace has been brought forward for frivolous, vexatious or malicious reasons or that the concern is being raised in bad faith, the matter will be referred to the disciplinary procedure.