

Dignity at Work

Information and advice for staff

A guide to preventing and dealing with Bullying & Harassment in the workplace

What we expect of our colleagues

Sandwell and West Birmingham NHS Trust is committed to creating a compassionate and inclusive working environment, which is free of bullying and harassment, where all staff feel that they can belong and thrive. We value and appreciate all our staff and have zero tolerance towards discrimination or harassment of any kind towards our colleagues.

All staff are responsible for ensuring their own behaviour does not constitute bullying or harassment. Everyone is expected to consistently demonstrate our Trust values (Ambition, Respect, Compassion) and the behaviours that support these. Information on our Values & Behaviours can be found on the Intranet. Expected standards of conduct are also set out in our Dignity at Work Policy, Equal Opportunities and Managing Diversity Policy, Disciplinary/conduct policies and relevant codes of conduct.

We all have a part to play in creating a working environment where people feel both physically and psychologically safe at work. Psychological safety is defined as a climate where everyone feels included, cared for and valued. There is strong trust and mutual respect. People feel comfortable being themselves and do not fear ridicule, humiliation, or judgement (Professor Michael West, 2021). This is achieved through treating others with dignity, civility and respect, and including all individuals as a valued person regardless of their personal or protected characteristics.

Where conflict arises between individuals or within teams, it should be resolved constructively and with compassion. This involves actively listening to each other, taking time to understand the other person's views, trying to empathise (i.e. seeing things from someone else's perspective) and taking positive action to try to help resolve the matter.

What is workplace bullying and harassment?

Bullying and harassment at work is wholly unacceptable. People can feel "bullied" or harassed by various kinds of behaviour, from the obvious to the very subtle. It can be a regular pattern of behaviour or a one-off incident. It can be verbal or physical and can happen face to face, in writing, via phone or online. Behaviour may be classed as bullying or harassment whether it was intentional or unintentional.

Bullying: is generally defined as behaviours that are:

- Abusive, intimidating, malicious, offensive or insulting behaviour.

- Abuse or misuse of power which makes a person feel undermined, threatened, humiliated or vulnerable.

This can undermine self-confidence and cause the recipient to suffer stress. It can gradually wear people down leaving them feeling demeaned, inadequate, and questioning their own abilities.

Harassment is defined as: unwanted conduct relating to a protected characteristic (i.e. race, sex, age, disability, sexual orientation, religion or belief, gender reassignment, marriage/civil partnership, pregnancy/ maternity), which has the purpose or effect of violating an individual's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The behaviour does not have to be directed at a particular individual for it to constitute harassment. It can also apply when someone:

- witnesses harassment, if what they have seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them;
- is harassed because they are thought to have a certain protected characteristic when they do not;
- is harassed because they have a connection with someone with a certain protected characteristic.

The effects of bullying or harassment should not be underestimated on both victim and observers which can include sleeplessness, nausea, palpitations, shaking, acute anxiety, anger, depression, nervousness, loss of confidence, lack of motivation, low concentration levels, increased intake of cigarettes, feeling isolated.

Managers should also not underestimate the considerable impact on business performance in terms of sickness absence, turnover, reduced productivity, litigation, and poor employee relations.

Signs of bullying or harassment

- Intimidating a colleague with aggression, threats, shouting, swearing, obscene gestures, or belittling them in front of others.
- Malicious behaviour including name calling, ridiculing, 'ganging up' or picking on someone, offensive remarks, jokes, or pranks. An alleged personality clash is no justification for spreading rumours and gossiping.
- Inappropriate workplace 'banter' or jokes at someone else's expense, which is offensive or discriminatory in nature, or makes that person feel humiliated, demeaned, ridiculed, or excluded.
- Deliberate exclusion from workplace conversations, isolation, or purposely not cooperating with a colleague.
- Offensive comments about a person's appearance, clothing, or speech.
- Erratically or unfairly managing people, such as constantly changing expectations, regularly assigning undesirable shifts, or cancelling holidays/training commitments for no good reason.

- Criticising individuals, either publicly or privately, in a manner that is humiliating, unwarranted, unduly sustained, or unfair.
- Undermining an employee by inappropriately reducing their responsibilities or setting tasks outside the reasonable remit of their role.
- Having a coercive management style, e.g. marginalising or ostracising someone, or by withholding relevant information.
- Harassment related to a protected characteristic e.g. avoiding or refusing to sit next to someone because they are gay; ridiculing someone with a disability because of the way they look or talk; using racial slurs or 'making fun' of someone's accent etc.

Note: Appropriate management of performance is not bullying or harassment.

Sexual Harassment

Harassment can also include sexual harassment, which is unwanted behaviour of a sexual nature, which has the purpose or effect of violating an individual's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Sexual harassment can happen to people of any gender identity or sexual orientation. It can be conducted by anyone of the same sex, a different sex or of any gender identity. It can be a one-off incident or a pattern of behaviour.

Examples of sexual harassment include:

- Making sexual remarks about someone's body, clothing, or appearance.
- Asking questions about someone's sex life.
- Telling sexually offensive jokes; joking or 'banter' of a sexual nature, innuendos, or lewd comments.
- Making sexual comments, or jokes about someone's sexual orientation or gender reassignment.
- Displaying or sharing pornographic or sexual images, or other sexual content (including via social media).
- Touching someone against their will e.g. hugging, kissing, massaging, rubbing up against them etc.
- Standing inappropriately close.
- Suggestive looks, staring, leering, whistling, or gestures.
- Sexual advances, propositions, requests, or pressure for sexual favours, repeated unwelcome requests for social activity outside of the workplace.
- Spreading sexual rumours about someone.
- Indecent exposure, stalking, sexual assault, or rape.

Sexual harassment is different to harassment related to a person's protected characteristic (e.g. sex, sexual orientation or gender reassignment). Someone could experience both types of harassment at the same time, or separately.

Civility and Respect

Some behaviours may be subtle and do not always fit the definition of bullying or harassment, however they can create a negative working environment for those impacted. Rude and unkind behaviour (known as 'incivility') can have a significant negative impact on staff wellbeing and patient care.

When experienced, it can affect the recipient's ability to think clearly, reduces confidence, increases anxiety, increases errors and mistakes, harms working relationships and leads to poor communication. This can result in reduced quality, safety, productivity, and poor patient care.

Incivility can include behaviours such as snapping or shouting at someone, swearing, being overtly critical of someone, talking over others, being sarcastic, rolling eyes or tutting at someone, gossiping, undermining, or excluding individuals.

All staff have a responsibility to treat each other with civility and respect and to behave in line with Trust values and behaviours.

Where individuals experience incivility at work, they should appropriately challenge the behaviour or seek support from someone else to help resolve it. Instances of incivility should be handled informally, through timely and appropriate communication. Where the behaviour continues, this may constitute bullying or harassment.

Microaggressions

Microaggressions are defined as: "the everyday slights, indignities, put-downs and insults that members of marginalised groups experience in their day-to-day interactions with individuals who are often unaware they have engaged in an offensive or demeaning way."

Examples of microaggressions experienced by different marginalised groups can include:

Black, Asian, and Minority Ethnic people:

- Continually having a name pronounced incorrectly with no effort to get it right.
- Being asked "where are you really from" - an assumption that you are not British.

Women:

- Being mistaken for being in a role more junior than the role they hold, or when compared to their male colleague.
- Labelled as 'getting emotional' when talking passionately or challenging something in a workplace setting.

LGBT+ people:

- Being told "you don't act gay".
- Making no effort to use their preferred pronouns, even when you have been asked to.

Disabled people:

- Being told "you don't look disabled".
- Assuming the person needs assistance instead of asking; for example, pushing someone's wheelchair or guiding someone with a visual impairment

Microaggressions may appear less offensive and harmful than the overt forms of harassment, but over time they can have a significant effect on the recipient. If you are concerned about your experience of such behaviours, please speak to someone as outlined in this document for guidance on how to resolve it.

If you think you are being bullied or harassed, what can you do?

Depending on the situation, informal resolution is usually the most effective approach.

This can include talking to the person concerned either on a one-to-one basis or with a third party to make them aware of the offensive behaviour, to ask them to stop and to explain how the recipient of the behaviour would like to be treated.

A facilitated meeting can also be arranged. This allows both individuals to openly discuss the issues, work towards changing behaviour and reaching an agreement on how they will work together.

It is often possible to resolve matters informally as the individual concerned may not be aware their actions or behaviour are causing offence. This approach can lead to a more effective working relationship in the future.

If attempts to resolve matters informally have not been effective, or are not appropriate in the circumstances, a formal complaint can be made via the Trust's Dignity at Work policy.

Remember, not all workplace disagreements or conflicts constitute bullying/harassment. Whilst it is appreciated disagreements cause upset and concern, we must respect and acknowledge the right of others to hold different opinions in order to create a harmonious working environment. You are encouraged to resolve such matters locally with help from your manager if necessary.

Getting Support

If you need support to address concerns of bullying or harassment you can contact one of the following:

- Your manager, or next-in-line manager.
- Human Resources, Ext: 6680 email **swb-tr.swbh-gm-HR-Enquiries@nhs.net**
- Your trade union representative
- Freedom to Speak Up Guardians - details via the Intranet
- Staff Networks - details via the Intranet
- Equality, Diversity & Inclusion Team Email: **swbh.equality-and-diversity@nhs.net**
- Occupational Health – Tel: 0121 507 3306
- Contact the free confidential counselling advice and support service - details via the Intranet

Remember...

- Share your experience - it is important not to let yourself feel isolated by trying to deal with it on your own.
- It's not your fault - you are not to blame for the bully's behaviour. However, it is important that you take steps to remedy the situation so that you can lead your normal life.
- Keep a record - if it is persistent, write it down. Keep a diary of details and any e-mails, letters, reports, or witnesses to events. This could help your case.
- Take responsibility - if you witness inappropriate behaviour report it to your line manager or the HR department so that appropriate action can be taken.

If you witness Bullying & Harassing behaviour, what can you do?

Bullying and harassing behaviour directed at or about others can also be distressing for those that witness it. If you witness such behaviour there are things you can do to challenge or report it and to support those at which it is directed.

- **Be an "active bystander"** – this means being aware when someone's behaviour is inappropriate and choosing to challenge it, or by assisting someone who needs support. If you do not feel comfortable doing this directly, then you can arrange for someone appropriate to help (e.g. a line manager, Freedom to Speak up Guardian, Trade union representative, Staff Network lead etc).
- **'SPEAK'**: You can follow this approach to safely challenge inappropriate behaviour:
 1. **Straight away** – assess the situation first. Is it the right moment to challenge, or should you follow up with the person at a more appropriate time? (e.g. if you witness poor behaviour during a meeting, consider if it is appropriate to challenge it then, or wait until the meeting has finished).
 2. **Polite** – think about your tone of voice, body language, how you address people. Remain calm and state politely what action is needed.
 3. **Evidence** – stick to exactly what has happened. Outline the behaviour witnessed and explain why it was inappropriate. Avoid accusations and generalisations.
 4. **Avoid confrontation** – if it is not appropriate to say something straight away or directly, just walk away and get support quickly.
 5. **Know who to speak to** – there are different avenues of support outlined in this document. It may also be appropriate to formally report it.
- **Provide support** – ask the recipient of the behaviour if they are OK, find out if they need any support, help them to identify who they can speak to for help.

If you recognise signs of bullying behaviour in yourself, what can you do?

- **Be honest with yourself.** Admitting that you may be seen as a bully is the first step to stopping the cycle of bullying. Do you really want a reputation as a bully?
- **Do not copy other people's mistakes.** Remember the angst and negative feelings when you were the victim of bullying, were managed badly or when you witnessed bad management or bullying.

- **Be Inclusive.** Try to understand, respect, and include all colleagues as valued individuals. Remember you are expected to demonstrate the Trust Values and Behaviours at all times.
- **Communicate.** However busy you are, ensure you make time to communicate effectively and politely with colleagues and your teams.
- **Seek feedback.** Find a trusted individual who can give you feedback on what could be interpreted as bullying or harassment so that you can be supported to address your behaviour.
- **Is there a medical reason for your behaviour such as stress or insomnia?** If so, seek medical help. Your illness may be impacting upon your behaviour to others.

Additional Resources

Further information and training on creating a compassionate and inclusive workplace culture can be found here:

- ARC Leadership Development programme (open to all staff Band 7 above and all leaders/supervisors at any level): ARC Leadership Programme (swbh.nhs.uk). Book via ESR system.
- Compassionate Care Giver course (open to all staff Band 6 and below with no line management/supervisory responsibility). Book via ESR system.
- What Is Compassionate Leadership? | The King's Fund (kingsfund.org.uk)
- NHS England » What does compassionate and inclusive leadership mean to us?
- NHS England » Civility and respect

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