



Dignity at Work

Policy and Procedure

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DIGNITY AT WORK

We are pleased to be jointly launching the new Dignity at Work Policy and Procedure across Post Office with CWU and UNITE.

The aim of the policy is to help employees create a positive work environment in which everyone is treated with dignity and respect. At Post Office we are fully committed to equality of opportunity and promoting a harmonious working environment where no employee feels, discriminated against, intimidated or threatened for any reason.

The new approach is supported by a number of guides and support tools available on the company intranet. They have been developed jointly to support a different approach – one that;

- confirms Post Office does not tolerate discrimination, bullying, harassment or victimisation.
- recognising victimisation as well as bullying and harassment,
- provides an opportunity for resolve via mediation,
- widens the scope to include bullying and harassment from 3rd parties, and
- provides guidance not only to any employee who feels that they have experienced discrimination, bullying, harassment or victimisation from another colleague or group of colleagues, but also to:
 - Those employees who witness an act or acts of discrimination bullying, harassment or victimisation
 - Those employees who are advised about an act of discrimination, bullying, harassment or victimisation
 - Those employees who are accused of discrimination, bullying, harassment, or victimisation.

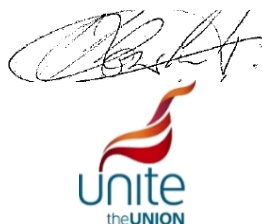
We want to be absolutely clear and say it again: there is no room for discrimination, bullying, harassment or victimisation at Post Office. Everyone deserves to enjoy a happy, healthy and safe working environment. We will support you to speak out, and we will hear you when you do.

We hope you find this policy and procedure useful in helping you to understand and support dignity at work. We believe that the new policy will benefit the business, our employees and union representatives.

Andy Furey
Assistant Secretary



Steve Rowlett
Regional Officer



Lee Kelly
Employee Relations & Policy
Director



1. POLICY STATEMENT

Post Office is committed to protecting the dignity of employees at work and we expect all employees to treat each other with dignity, courtesy and respect at all times.

Post Office is fully committed to sustaining a safe, positive and mutually supportive working environment free from discrimination, bullying, harassment, and victimisation, where employees can work collaboratively and productively together, and where all employees are equally valued and respected.

Post Office does not tolerate any form of discrimination, bullying, harassment or victimisation whether written, verbal, visual or physical.

We are committed to taking the necessary action to ensure that they do not occur, or where they do occur that they are dealt with and eliminated.

2. POLICY AIMS

The aims of this policy are to:

- increase awareness of what is unacceptable behaviour;
- increase awareness that any form of discrimination, bullying, harassment or victimisation is unacceptable;
- provide a mechanism for complainants to report cases for resolution; and
- provide a mechanism for complaints to be properly investigated and addressed.

3. DEFINITIONS

Harassment

DEFINITION: The Equality Act 2010 define harassment as 'Unwanted conduct related to a relevant 'protected characteristics, 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'.

In order to count as unlawful harassment under the Equality Act the harassment must be related to one of the following: age, disability, gender reassignment, race, religion or belief (including political opinion in Northern Ireland), sex and sexual orientation.

The complainant need not possess the relevant characteristic themselves and complaints can be because of a perception or association that someone may be considered to have one or more of these protected characteristics.

The Equality Act doesn't cover harassment related to pregnancy and maternity. But if an employee is harassed because they're pregnant or because they've recently had a baby, they may be able to complain about harassment related to sex.

Harassment may consist of persistent behaviour, although one single act can amount to harassment.

Forms of Harassment

This list is in no particular order and is not exhaustive.

AGE

Examples of harassment on the basis of age include:

- Making fun of an employee based on their age.
- Questioning an employee's ability because of their age.
- Making assumptions about lifestyles and interests.

- Not providing training and development opportunities because of an employee's age.

DISABILITY

Examples of harassment on the grounds of disability include:

- Asking intimate questions about an employee's impairment such as how it occurred and what it is like to be disabled.
- Name calling, jokes, taunts and use of offensive language.
- Inappropriate jokes and actions such as hiding/moving an employee's impairment aid.
- Assuming that an employee's disability means they are inferior.
- Creating barriers meaning that disabled employees are excluded from work place events and social activities.

GENDER IDENTITY AND REASSIGNMENT

Common forms of transphobic harassment includes:

- Transphobic comments, jokes or name-calling.
- Speculating about an employee's gender 'Is that a man or a woman'
- Inappropriate questioning about medical treatment 'so have you had, you know the surgery?'
- Verbal or physical abuse or intimidation.
- Refusing to treat an employee as of their new gender when they transition.
- Failing to address an employee's by their preferred name and correct gender pronouns.
- Denying employees access to the appropriate single sex facilities.
- Outing an employee as transgender without their consent or spreading rumours.
- Excluding an employee from conversations and activities.
- Sexual harassment.

Examples of unlawful direct discrimination based on an employee's trans identity include:

- Refusing to promote an employee because they are trans.
- Deliberately excluding a trans employee from any work or work-related activity on the grounds of their gender identity.
- Dismissal of a trans employee for reasons connected to their gender identity.
- Treating a trans employee less favourably than others in regards to sickness or other absences
- Refusing to acknowledge the rights of a trans employee and failing to acknowledge that they are living in their self-identified gender.

Any aspect of harassment linked to gender identity and reassignment could be found to be a criminal act.

RACE

Examples of racial harassment include:

- Refusing to work with an employee or deliberately isolating them because of their race, colour, nationality or ethnic origin.
- Displaying racially offensive material.
- Racist jokes, banter, gestures, insults and taunts.
- Unfair work allocation on the basis of an employee's ethnicity.
- Verbal and physical abuse because of an employee's race, colour, nationality or ethnic origin.

RELIGION/BELIEF

Examples of harassment on the grounds of religion/belief include:

- Mocking or deriding an employee's religion or belief.
- Mocking or deriding an employee for not have a religion of belief.
- Stereotyping a particular religion or belief, or making assumptions about lifestyles or interests.

- Arranging meetings or events that may exclude employee's because of religious observance, for example arranging a team lunch when you know a team member is fasting at Ramadan.
- Displaying images in the workplace that maybe offensive to others.
- Making unwanted comments about how an employee dresses in accordance with their beliefs.

SEX

Incidents classifying as workplace sexual harassment can take place in a number of locations and ways for example:

- In the workplace.
- Somewhere you go to for work, such as the offices of a service provider.
- On a work trip.
- At a work social event.
- On social media.
- By email.
- By telephone.

Examples of sexual harassment include:

- Unwelcome sexual advances, propositions and demands for sexual favours, including unsolicited/unwanted gifts.
- Unwanted or derogatory comments about the way an employee looks.
- Indecent and suggestive gestures and comments.
- Pestering an employee for a relationship or following them around.
- Offensive jokes.
- Questions about an employee's sex life.
- Displaying offensive material, such as pornographic pictures, page three type pin ups or calendars in the workplace.
- Inappropriate physical contact, for example, invading an employee's personal space and unnecessary touching, through to sexual assault and rape (rape is defined as a criminal offense).
- Abusing managerial authority by

making work opportunities conditional upon a close relationship.

- Circulating offensive comments via email or social media.

It is not always obvious, sexual harassment may also be more subtle such as ignoring an employee or assigning certain tasks usually associated with an individual's sex (such as female team members always taking minutes, ordering refreshments and so on).

This list is just a guide. It is important to note that what one employee finds offensive may not be considered offensive by someone else. However, if an employee feels that someone's behaviour is unwanted, unreasonable and unreciprocated then it is most probably sexual harassment. It is irrelevant if the harasser says their behaviour was not intended to harass or cause offense. If the recipient feels that they were being harassed then it will count as sexual harassment. Also an employee is entitled to make a complaint even if the sexual harassment was not aimed directly at them but they could, for example, overhear colleagues making sexual comments.

SEXUAL ORIENTATION

Commons forms of harassment on the grounds of sexual orientation include:

- Homophobic or bi-phobic comments, jokes and name-calling.
- Verbal or physical abuse or intimidation.
- Sharing homophobic or bi-phobic materials.
- Making repeated references to a person's sexual orientation without any justification for doing so.
- Outing a person as gay, lesbian or bisexual, without their consent and spreading rumours.
- Excluding a person from a conversation or activities, for example excluding a same sex partner when opposite sex partners

- are included.
- Intrusive questioning about an individual's personal or sex life.

Bullying

The impact on the employee can be the same as harassment and the words bullying and harassment are often used interchangeably in the workplace.

Bullying can be unlawful harassment under the Equality Act if it's related to one of the protected characteristics. Employees may also bring a claim for bullying under the Protection from Harassment Act 1997.

DEFINITION: 'Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power to undermine, humiliate, denigrate or injure the recipient'.

Examples of unacceptable behaviour are:

- Open aggression, threat, abuse and obscenities, shouting and uncontrolled anger triggered by trivial situation.
- Humiliating, ridiculing or belittling in front of others, persistent criticism or sarcasm.
- Personal insults and name-calling, spreading malicious rumours.
- Freezing out, ignoring, excluding to isolate victim.
- Excessive supervision and monitoring and being excessively critical about minor things with malicious intent.
- Setting an employee up to fail.
- Making threats about job security without foundation.

Electronic bullying and the use of social networking sites

Bullying can take place through electronic media, for example, email, instant messaging, social networking websites (e.g. Facebook, Twitter, blogs), or text messages. When sending electronic messages to colleagues

employees should consider the content, language and appropriateness of such communications.

Discrimination

Unlawful discrimination takes place when an employee or a group of employees are treated less favourably because of a 'protected characteristic' (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Maternity and Pregnancy, Race, Religion or Belief, Sex, Sexual Orientation).

DEFINITION: 'Direct discrimination occurs where someone is treated less favourably because of one of the *protected characteristics; this can include association with or a perception of a particular characteristic' (The Equality Act 2010).

DEFINITION: 'Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criteria or practice that puts people with a particular *protected characteristic at a disadvantage compared with others who do not share that characteristic' (The Equality Act 2010).

Examples of unacceptable behaviour are:

- Discriminatory jokes or banter.
- Unfair treatment.
- Disadvantaging someone because of a protected characteristic.
- Disadvantaging someone because they are associated with someone with a protected characteristic

Victimisation

DEFINITION: 'Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.' (The Equality Act

2010)."

4. THE LEGAL POSITION

Harassment as a form of discrimination is unlawful and employers can be liable for employees who harass others at work.

Employers have a 'duty of care' for all their employees. If the mutual trust and confidence between employer and employee is broken (e.g. through bullying and harassment at work) then an employee may resign and claim constructive dismissal, at an Employment Tribunal, on the grounds of breach of contract (as long as they have worked for the employer for two years). Breach of contract may also include the failure to protect an employee's health and safety at work. Under the **Health and Safety at Work Act 1974**, employers are responsible for the health, safety and welfare at work of all employees.

The Protection from Harassment Act 1997 ('the Act') also protects individuals from suffering harassment by another, and affords employees a great deal of protection against harassment and bullying in the workplace. Under this act employees can bring harassment claims where they have suffered alarm, anxiety and even claims where there are no allegations of discrimination or personal injury.

5. SCOPE

This policy applies to, employees and workers employed by Post Office, agency workers and self-employed contractors.

This policy and procedure is designed to support and give guidance to:-

- Any employee who feels that they have experienced discrimination, bullying, harassment or victimisation from another colleague or group of colleagues.
- Those employees who witness an act

or acts of discrimination, bullying, harassment or victimisation.

- Those employees who are advised about an act of discrimination, bullying, harassment or victimisation.
- Those employees who are accused of discrimination, bullying, harassment, or victimisation.

This policy covers dignity in the workplace including; activities, occasions or events that are connected to work and the workplace but may not necessarily take place in the workplace of during normal working hours.

Complaints against customer will be managed in accordance with the [Harassment by Customers Policy](#).

6. PRINCIPLES

- To respect and value differences.
- To stop discrimination, bullying, harassment or victimisation.
- To treat all employees with courtesy, dignity, fairness and respect at all times.
- Educate our workforce in the development of positive behaviours.
- Any complaint of discrimination, bullying, harassment or victimisation made by any employee will be treated seriously and will be thoroughly investigated in a timely manner.
- No employee will be disadvantaged in any way if they raise a complaint under this procedure and, retaliation against an employee who reports a concern in good faith is strictly prohibited
- Post Office encourages employees to deal with any harassment, bullying or victimisation through informal resolution where appropriate
- Bullying, harassment, victimisation and discrimination are acts of misconduct and where appropriate will be dealt with under the company's [Conduct Code](#).
- If, at any time, there is evidence that allegations of discrimination, bullying, harassment or victimisation

have been made in bad faith then disciplinary action may be taken.

7. SUMMARY OF RESPONSIBILITIES

All

- Treat everyone with dignity and respect at all times.
- Set a good example through own behaviours and challenge unacceptable behaviour at the earliest possible opportunity.
- Raise any concerns or issues about discrimination, bullying, harassment, or victimisation in good faith and in an appropriate and timely way to the appropriate person.
- Respect employees whose abilities, beliefs, religion, cultures, race, sexual identity or other characteristics are different from their own.
- Be open and honest in dealings with others and respect confidentiality.
- Challenge unacceptable behaviour in a way which is consistent with the values outlined in this policy and where possible take steps to put an end to it without delay.

Employees

- Be aware that sometimes managers have to take decisions that may prove unpopular and that on occasions it may not be possible to undertake these decisions in a democratic way.
- Understand that it is reasonable for managers to expect high standards and to address issues of poor performance if they occur.

Managers

- Communicate the expected standards of behaviour to the team.
- Communicate the options available to employees to raise concerns.
- Provide open, honest, constructive and timely feedback on their team's behaviours and interaction with others.

- Take any issues raised relating to discrimination, bullying, or harassment, victimisation and take measures to protect an employee.
- If unclear about whether their approach is justifiable/appropriate they should consult with managers of the same or a higher level and/or Human Resources.

Human Resources

- To provide timely professional advice to employees and managers on the implementation of this policy and procedure.
- Monitoring and reporting matters concerned with dignity at work across Post Office quarterly.

8. PROCEDURE

8.1 INFORMAL

Often those accused of discrimination, bullying, harassment or victimisation will be unaware of how their behaviour has affected the complainant (employee making the complaint) and raising the matter informally either directly or through a union representative or work colleague will be sufficient to make the behaviour stop.

Employees are encouraged to follow the informal stages of this procedure in order to give the alleged bully/harasser/victimiser the opportunity to amend their behaviour before more formal action is taken. They should explain to them that their behaviour is not welcome or makes them feel uncomfortable and make it clear that they expect the behaviour to stop.

Where discrimination, bullying, harassment or victimisation continues after it has been raised informally the complainant should pursue the matter under the [formal stage](#) of this procedure

In more serious cases, or where an employee feels that the informal process would not stop the unwelcome behaviour

making them feel uncomfortable, they may move directly to the [formal stage](#) of this policy without following the informal stages.

Employees should raise their complaints as soon as they arise or as soon as they feel able to do so. There may be occasions when an employee wishes to raise a complaint after the event; this should be done within three months.

What to do if you feel you are being discriminated, bullied, harassed or victimised against by a colleague at the Post Office.

Record Keeping.

An employee who feels that they are being discriminated against, bullied, harassed or victimised should try to keep a record of when and where the behaviour occurred and how it made them feel. This will be important when discussing the matter with the alleged bully/harasser/victimiser, when seeking advice from another party or if the matter is formally investigated.

Seek confidential advice.

An employee may, prior to raising a complaint, either informally or formally, wish to seek confidential advice from the [Employee Assistance Programme](#) (EAP), Post Offices counselling and support service. This service is confidential and Post Office will not be advised of any information given by an employee. The EAP do not make a decision on behalf of the employee or provide representation, but instead will provide advice and information necessary to come to a decision about a possible way forward. An employee is not obliged to access [EAP](#) as part of the procedure. They may decide to proceed immediately to using either the informal or formal procedure for raising a complaint.

Inform another colleague or manager.

Often the person who is discriminated

against, bullied, harassed or victimised simply wants it to stop. Whilst telling a colleague, line manager, union representative or HR Representative may seem like a serious step, it is the most effective way of tackling the problem and ensuring that the behaviour stops.

The majority of discrimination, bullying, harassment or victimisation goes on in private. By informing someone within Post Office, an employee may find out that others are feeling the same way. Those who can give support and advice in these circumstances are:-

- The line manager or other manager.
- HR Business Partner
- A union representative.

Inform the bully/harasser/victimiser that their actions have offended and must stop.

This will involve the employee approaching the individual they believe has discriminated, bullied, harassed or victimised them in order to tell them that their behaviour makes them uncomfortable and why, and to ask them to stop such behaviours. The employee may ask another colleague or union representative to be present for moral support.

The employee may also choose to write directly to the individual who they feel may have discriminated, bullied, harassed or victimised them detailing the behaviour that makes them uncomfortable and confirming the requirement to stop.

If the employee would find confronting their alleged bully/harasser/victimiser, on their own too difficult but still wish to pursue the matter informally they can ask either a trade union representative, a fellow work colleague, their line manager or other manager to speak to the person concerned on their behalf.

Often employees will not have been

aware that their behaviour has caused offence and will immediately stop the offending actions.

Read [Appendix 2](#) if guidance is required in the following circumstances:

- You have observed an employee being discriminated against, bullied, harassed or victimised.
- Someone has talked to you informally about their experiences of discrimination, bullying, harassment or victimisation.
- You have been accused of discrimination, bullying, harassment or victimisation.

8.2 INDEPENDENT MEDIATION

If the complainant feels unable to deal directly with the alleged bully/harasser/victimiser then, as part of the informal procedure, they may want to consider mediation. Mediation is a voluntary option and is not the answer to every conflict.

Effective mediation can only take place with the full co-operation of both parties. Post Office encourages where appropriate all parties to consider mediation.

If an employee wishes to explore mediation they should speak to their union representative or HR Representative. This important activity will be undertaken by ACAS trained mediators.

The role of the mediator is to provide impartial, non-judgemental support to both parties in order to reach a mutually acceptable agreement, having no vested interest in the outcome and not determining who was right or wrong in the past.

A mediator will listen and facilitate the parties to work together and find a solution they can both work with – not make a decision or formal recommendation. They listen actively to

what each party has to say and encourage them to talk about their disagreements constructively in a confidential environment. A mediator will ensure that both parties get the opportunity to speak and listen and support them to generate ideas and agreements for the future.

If during mediation, allegations of more serious unacceptable behaviour (i.e. potential gross misconduct) emerge, the mediator may terminate the process and other procedures may be followed as appropriate.

8.3 FORMAL

The formal stage of this policy will be applied where:-

- The matter has been raised informally but the unwelcome behaviour continues and/or mediation has been unsuccessful.
- The matter has been raised informally but the alleged bully, harasser, and victimiser disputes the claim and a formal investigation is required to resolve the matter.
- The matter is sufficiently serious enough to warrant moving directly to the formal stage without following an informal stage first.

The formal procedure provides detailed stages and actions which are to be taken to formally raise and to handle a complaint of discrimination, bullying, harassment or victimisation.

Step 1 – Raising a formal complaint

If an employee wishes to make a formal complaint, they should complete a Dignity at Work Complaint Form on [SuccessFactors](#). They should clearly state the nature/details of the complaint, how this made them feel and any actions taken so far to resolve the matter.

Where an employee does not have access to [SuccessFactors](#) for reasons such as Long Term Sickness/Maternity

Leave an employee can complete the [Dignity at Work Complaint Form](#) (paper version) and send this to the HR Service Centre dignityatwork@postoffice.co.uk. At this stage, a complaint will be treated as an allegation only, which means that it is not proven and will be investigated.

STEP 2 - Appointing the investigating Manager.

Once the complaint is submitted the HR Service Centre will assign the complaint to an investigating manager who will usually be the line manager. If the employee's complaint is about their line manager, an independent impartial manager will be appointed.

In cases of harassment if an employee would prefer the investigating manager to be of a particular gender, they should state this in the formal written complaint and the request will be accommodated.

Once in receipt of the complaint, the investigating manager will write back to acknowledge the complaint, within 5 working days of receipt, and to advise that the matter is to be addressed under the formal stage of the Dignity at Work procedure.

Every effort should be made to complete an investigation as soon as possible and the investigating manager will make a commitment to reach an outcome, and produce a written report, within 28 days of commencing the investigation. It is recognised that the situation may be extremely complex and it may not be possible to reach an outcome as quickly as all parties wish. If the investigation does go beyond 28 days, there must be a good reason and the complainant should be kept informed on a regular basis of progress with the investigation (i.e. fortnightly updates).

Where the investigation could identify issues of serious misconduct, the manager should consider temporarily moving or precautionary suspending on full pay the employee(s) against who the

complaint is made if there is a need to separate the parties pending further investigation.

Where an employee is temporarily moved to another office location, they will be able to make a claim for any excess travel expenses incurred during the temporary transfer.

STEP 3 – Arranging to meet the complainant.

The investigating manager will arrange to meet the complainant to go through the details of the case in order that they have a thorough understanding of the claims that are being made.

STEP 4 – Investigation meeting with complainant.

The investigating manager will meet with the complainant. The purpose of this meeting is to ensure that the complainant understands the procedure and the likely timetable and in addition, that the investigating manager fully understands the detail of the complaint and has the opportunity to ask the complainant any questions. The complainant will be asked to give details of any witnesses that the investigating manager may approach as part of the investigation.

The investigating manager should ensure that the complainant is aware of the counselling support available from the [Employee Assistance Programme](#) and has the contact number if required.

Employees are entitled to be accompanied by a work colleague or union representative during this and any subsequent meetings in relation to the complaint.

STEP 5 – Advising the alleged Bully, Harasser, Victimiser (Respondent) of the complaint.

The investigating manager will write to the respondent to advise them that a

complaint has been received, what the complaint is and that the matter is being reviewed under the formal stage of Post Offices Dignity at Work procedure. The investigating manager will also invite the respondent to a meeting to discuss the allegations giving a minimum of 5 working days advance notice of the meeting.

STEP 6 – Investigation with the respondent.

The investigating manager will meet with the respondent. The purpose of this meeting is to ensure that the respondent understands the allegations that have been made and is given the opportunity to fully respond to them.

It is recognised that the respondent may remember points they wish to put forward in their defence, after they have been interviewed. Respondents are entitled to submit written evidence to the investigating manager within 3 working days of the investigation meeting date.

Employees who are accused of discrimination, bullying, harassment or victimisation and are under formal investigation are entitled to be accompanied by a work colleague or union representative during all meetings in relation to the complaint.

The investigating manager should ensure that the respondent is aware of the counselling support available for the [Employee Assistance Programme](#) and has the contact number if required.

STEP 7 – Interviewing Witnesses.

The investigating manager may have been asked to speak to witnesses by both the complainant and the respondent.

Acting as a witness in these cases is voluntary and a witness must not be forced or coerced into acting as a witness against their will.

The investigating manager should write to the witnesses asking them if they would agree to act as a witness in the case and inviting them to attend a meeting to discuss the allegation (which may be on more than one occasion).

The investigating manager should clearly identify which part of the investigation the witness is able to help with. It is important to ensure that confidentiality of the case is maintained as far as reasonably possible and therefore witnesses should only be given details of the case where they have been asked to act as a witness.

Witnesses are entitled to be accompanied by a work colleague or union representative during this and any subsequent meetings in relation to the complaint.

STEP 8 – Review of findings

Following the meeting with the complainant, the respondent and the witnesses, the investigating manager will review all the evidence gathered and determine whether they need to meet again with the complainant, respondent or any of the witnesses to obtain any further information or fill in any gaps.

If no further information is required the investigating manager should proceed to [Step 9](#). If further investigation is needed, then the investigating manager may schedule further follow up investigation meetings.

STEP 9 – Decide on appropriate action

Once the investigating manager is satisfied that they have collected as much information as possible, they will conduct a final review of all the evidence and prepare a report that outlines the facts and findings of the case and a chronology of the investigation. The report should include the investigating manager's conclusions and suggested recommendations.

Once the investigation manager is satisfied that the report accurately reflects a full and thorough investigation they will firstly confirm the findings to the complainant, this will be followed by confirmation of the findings to the respondent.

STEP 10- Investigation outcomes

The investigation outcome recommendations may include:-

- **No action**, as the allegation has not been substantiated or there is insufficient evidence.
- **Take alternative management action** as the evidence and/or nature of the complaint does not justify formal disciplinary action. This could include (but is not an exhaustive list):
 - A recommendation for mediation/counselling for both parties.
 - Setting up arrangements to monitor the situation.
 - Required attendance on awareness training courses.
 - Making arrangements for the complainant, and the respondent to work as separately as possible within the same workplace with regular monitoring from the line manager.
 - A period of special leave to enable alternative working arrangements to be put in place
- **Proceed to the [Conduct Code procedure](#)**, as the investigation has found that there may be a case to answer. It may be appropriate to redeploy or precautionary suspend the respondent on a temporary basis whilst the case goes through this procedure.
- If the outcome is that the **claim was made in bad faith**, action may be considered under [Conduct Code](#).

STEP 11 – Communicating the appropriate outcome.

The investigating manager will send both the complainant and the respondent an

outcome letter and copy of the investigation report.

8.3.1 Shared Documentation

During the investigation the complainant and the respondent should be provided with the relevant information/evidence effecting their case this includes minutes/statements taken during investigation/appeal meetings for both the respondent and complainant.

In most cases statements from witnesses will also be shared. It may not be appropriate to share un-redacted minutes and statements in every case and witnesses may have good reasons for not wanting their name attached to the evidence and may request anonymity. It is a balance between why there is a need for anonymity and the respondent needing to understand the details of the case against them to provide an opportunity to reply to the allegation.

Anonymity will be granted if it is appropriate, but this is not encouraged in the interest of openness and natural justice.

Managers will need to consider whether evidence taken from an employee who wishes to remain anonymous should be used. Managers can find further guidance on the sharing of documentation within the [Manager Fact Sheet](#).

The above also applies during the appeal and if the case were to be referred to the conduct procedure.

9. RIGHT TO APPEAL

Employees have the right to an appeal if they feel their complaint has not been satisfactorily resolved.

Employees who wish to appeal should complete an appeal form in [SuccessFactors](#) within 10 working days of gaining written confirmation of the

outcome of the complaint.

Where an employee does not have access to [SuccessFactors](#) for reasons such as Long Term Sickness an employee can complete the [Appeal Form](#) (paper version) and send this to the HR Service Centre hr.appeals@postoffice.co.uk

The employee should clearly set out the grounds of their appeal, their key concerns and propose an expected or desired solution. On receipt of the appeal the employee will be invited to attend an appeal meeting.

In cases of harassment if the employee would prefer the appeal manager to be of a particular gender, they should state this in the formal written complaint and the request will be accommodated.

Appeal meetings will be heard outside of the management line by an independent manager (minimum grade 3a).

Employees are entitled to be accompanied by a work colleague or union representative during the appeal meeting.

At the meeting the appeal manager will confirm the current position and will ask the employee questions to clarify that position. The employee will have the right to bring with them any additional evidence.

If any additional evidence is presented by the complainant, the appeal manager should set up a meeting with the respondent to give them an opportunity to fully respond to the evidence presented.

Within 21 working days of the appeal being raised the complainant should receive a letter informing them of the outcome of the appeal meeting. If it is not possible for the manager to respond within this time frame, the complainant will be informed accordingly, together with the reason for the delay and a timeframe for when the response can be

expected. The outcome should also be communicated to the respondent.

This is the final stage of the procedure and the process will be considered exhausted upon its completion.

10. CASES OF ALLEGED PHYSICAL VIOLENCE

In cases of physical violence, threats of physical violence or persistent harassment (such as sexual assault, stalking) it may be necessary to suspend the alleged harasser or relocate them to another work area whilst the investigation is underway.

It may sometimes be appropriate to involve the police in any such cases. Post Office would only report incidents to the police if the employee consents to this.

Notwithstanding this an employee may at any time involve the police as they wish.

11. PRECAUTIONARY SUSPENSION OR TEMPORARY REDEPLOYMENT

The investigating manager may consider the appropriateness of suspension or redeployment of the respondent for the duration of the investigation to relieve the stress and pressure on one or both parties and/or to prevent the risk of further incidents or victimisation occurring.

Precautionary suspension must not be a knee-jerk response to allegations as it will depend on all the circumstances, including the seriousness of the allegations. Precautionary suspension could be considered at any step during the investigation depending on the evidence that comes to available.

It will be made clear at all times that suspension under this procedure is not a conduct sanction and does not imply that there has been any misconduct, or

that there is any suggestion of guilt. Any precautionary suspension will be on full pay.

12. WITNESS STATEMENTS

Employees that are called to act as a witness during an investigation should maintain confidentiality and not discuss the investigation with anyone other than the investigating manager.

Witnesses can request anonymity and this will be granted if appropriate, but this is not encouraged in the interest of openness and natural justice.

Employees should not fabricate any information provided as part of the investigation. If there is clear evidence that the motivation of the witness is to cause trouble rather than provide an accurate account of events this could be viewed as having malicious intent and may result in action under conduct code.

13. CONFIDENTIALITY

Confidentiality is an important part of this policy. Everyone involved in the complaint process – whether making a complaint or involved in an investigation – is responsible for maintaining the high level of confidentiality required and need to consider the following:

- Subject to the requirements of this process, everything said or referred to during investigation meetings should be treated in confidence. All parties will not discuss or share information from such meetings with any other party as this could prejudice the investigation.
- To thoroughly investigate the complaint, information from investigation meetings will be put to others as part of the investigation. Information from meetings might also be disclosed to others (e.g. Employment Tribunals, external legal bodies etc.).
- The complainant and the respondent should in most cases be provided

with all relevant information effecting their case, unless witnesses have asked for their statements to remain anonymous and the request in the circumstances is appropriate.

Managers will need to consider whether evidence taken from an employee who wishes to remain anonymous should be used.

Managers can find further guidance on this within the Fact Sheet.

- If employees have any concerns or questions regarding confidentiality they should contact the investigating/appeal manager.

Serious breaches of confidentiality may result in action under the Conduct Code. If employees feel they need to discuss the incident/investigation with someone other than the investigating manager they should contact the [Employee Assistance Helpline](#).

14. RECORDS

Where an outcome of an investigation to proceed to the Conduct Code the [Conduct Code](#) procedure should be followed and where warnings are imposed the timescales for the retention of such warnings will be as specified in the [Conduct Code](#).

Where a complaint has been made and not substantiated by an investigation, no formal record will be kept on the personnel file of the individual against whom the complaint has been made.

Records will be kept confidentially and retained in accordance with the applicable data protection legislation.

The Company does not permit employees to make electronic recordings of any meetings conducted under this procedure.

15. COUNSELLING AND SUPPORT

It is recognised that being the subject of discrimination, bullying, harassment or victimisation (or having witnessed it)

and making a complaint can be an extremely distressing experience. Employees are urged to seek help, support and advice from:-

- HR Business Partner
- EAP (the [Employee Assistance Programme](#)) – Tel: 0800 6888 777
- CWU helpline – Tel 0800 0902 303 (This is for CWU members only)

In certain circumstances it may be appropriate for a manager (with consent from the employee) to make a referral to the [Occupational Health Service](#) where it is felt that there is an impact on the health and well-being of an employee, or where it may be considered that the employee's health may be a risk to them or others.

If an employee would like support, but wishes this to remain confidential and not via a manager referral, the route in would be through EAP. The employee would simply initiate the support via a call to EAP. If counselling is 'recommended' following an initial assessment, this will be confidentially initiated by EAP.

Although not solely catering for workplace bullying, The National Bullying Helpline on 0845 22 55 787 can be another point of contact as it caters for all sorts of issues e.g. bullying help at work, adult bullying in the workplace, cyber bullying, bullying and harassment investigations and abuse in the workplace
www.nationalbullyinghelpline.co.uk

An employee against whom the complaint is being made should also have access to the same sources of support.

16.ACCEPTABLE AND REASONABLE BEHAVIOUR BY LINE MANAGERS TO THEIR TEAM

Line managers to their team

Within Post Office there is an expectation that managers fulfil their

duties and responsibilities. It is reasonable to expect a manager to carry out these day to day functions in a fair, firm and consistent manner. These routines may involve:

- Talking to employee's about their performance.
- Providing constructive feedback.
- Asking an employee to carry out a task in the workplace.
- Providing a constructive opinion when asked.
- Taking appropriate action as per the attendance, conduct and performance policies.

Where these line manager functions are carried out in a fair and reasonable way, they will not constitute acts of discrimination, bullying, harassment or victimisation, although some employees may feel stressed or anxious while performance functions are underway.

Grievance

An employee does have the right to raise a grievance as per the [Grievance Policy](#) if they feel they have not been treated fairly. Additionally if employees believe the procedure for attendance, conduct or performance management has been unfair the employee will have the right to appeal the formal outcome.

17.BULLYING AND HARASSMENT BY THIRD PARTIES.

We do not condone the discrimination, bullying or harassment of employees at work by an external third party who are not employed by Post office (e.g. customers, suppliers, visitors, Postmaster). We want to ensure that employees feel supported in the event they do experience this type of behaviour. If the third party incident is deemed serious enough and not handled accordingly then Post Office may consider their contractual relationship.

Employees who feel they are being subjected to unwanted discrimination,

bullying or harassment at work by an external third party should report this to their line manager who will investigate the matter further.

Complaints against customer will be managed in accordance with the [Harassment by Customers Policy](#).

If a complaint involves employees of other organisations we have dealings with on a regular basis, for example contractors or consultants, we will seek full co-operation of the organisation and encourage them to deal with the matter in line with the principles of this policy. If the organisation refuses to co-operate, the investigation will continue and when it is completed we will tell the organisation what action we would want them to take to protect our employees. Ultimately, we may remove the respondent from our premises and working with Post Office. It may be necessary to advise the organisation involved in the identity of the complainant and the details of the complaint.

Employees should not be concerned that reporting such behaviour will jeopardise customer/client relationships; our primary concern is to ensure that our employees are supported.

We highly value our employees and we will seek to ensure that they are not subjected to treatment which makes them feel uncomfortable.

18. ANONYMOUS COMPLAINTS

We may receive anonymous allegations of discrimination, bullying, harassment or victimisation through the 'Whistle-

blowing procedure'. Whilst we recognise that it is very difficult to investigate such complaints, Post Office will conduct as thorough an investigation as possible, given the information available. This will always include informing the accused that a complaint has been received about them and asking for their views. Given the anonymity of the complainant however it may be impossible to investigate such a complaint further.

19. DIVERSITY AND INCLUSION

Equality and fairness have been considered and incorporated at every stage of this procedure. In accordance with our [Equality, Diversity and Inclusion Policy](#). Post Office aims to ensure that no discrimination occurs and equality of opportunity is observed.

Post Office encourages employees who feel that the equality and fairness has not been observed during the implementation of this policy to raise this to the Employee Relations and Policy Director.

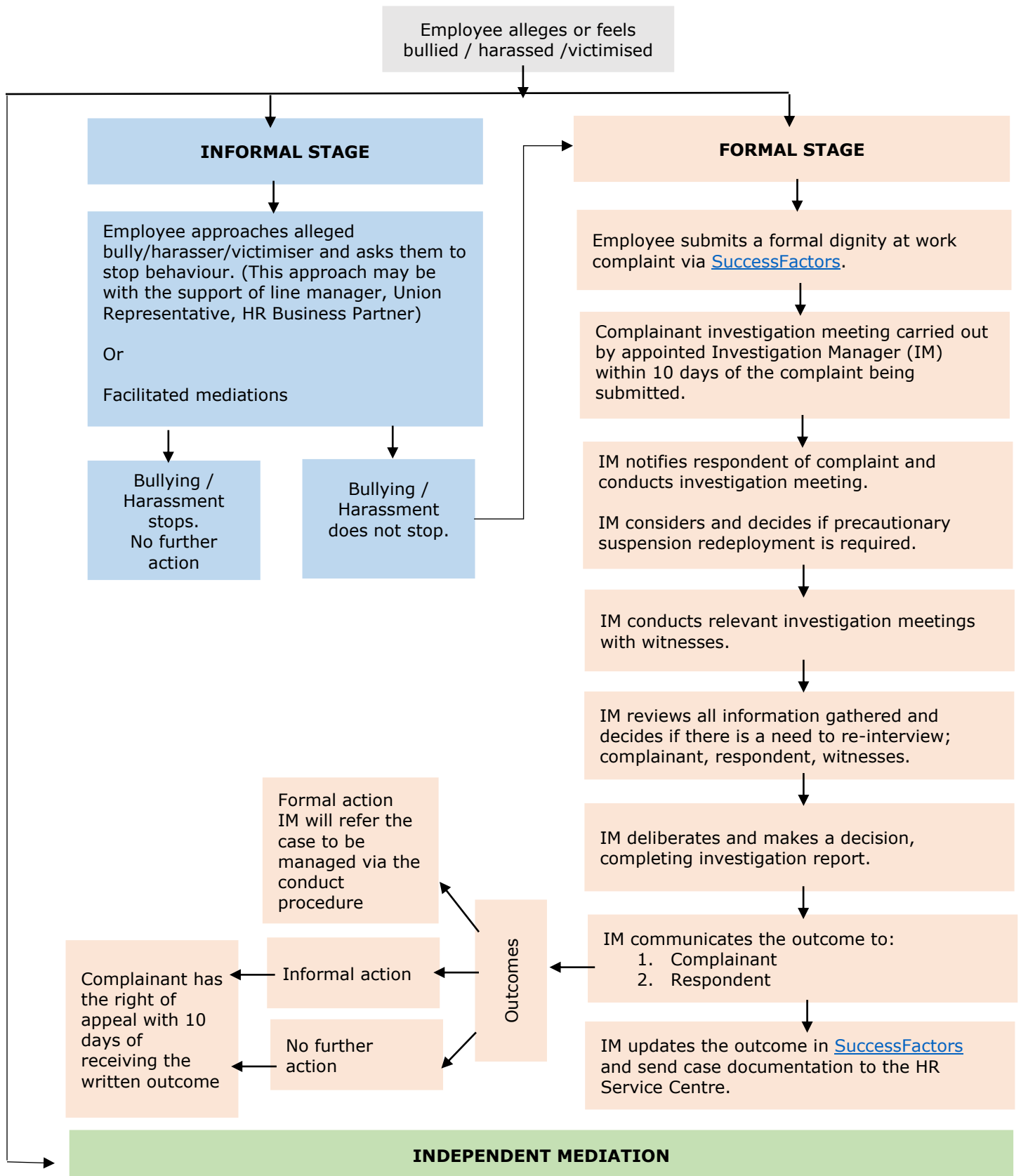
20. REVIEWS

The Employee Relations team will monitor compliance of this policy.

The Employee Relations and Policy Director is responsible for the monitoring, revision and updating of this policy. Formal reviews will take place every 12 months to identify any trends through statistics and review opportunities for improvement.

Post Office reserves the right to amend this policy from time to time in consultation with our unions.

APPENDIX 1 – Procedure flow Chart



APPENDIX 2

WHAT TO DO IF YOU OBSERVE SOMEONE; BEING DISCRIMINATED AGAINST, BULLIED, HARASSED OR VICTIMISED?

Record Keeping.

If you think you have witnessed an act of discrimination, bullying, harassment or victimisation you should try to keep a record of when and where the behaviour occurred. This will be important when discussing the matter with the alleged harasser/bully/victimiser or if the matter were to be formally investigated.

Discuss it with the individual being discriminated against, bullied, harassed or victimised.

It is advisable to speak to the employee who you think has been discriminated against, bullied, harassed or victimised to ensure that you have understood the exchange. If you still feel that discrimination, bullying, harassment or victimisation has occurred, you should discuss with the employee how they feel about the incident and whether they need any support (counselling, HR support etc.).

You should also advise your colleague of your personal duty of care to them and other employees and the requirement for the incident to be reported to Human Resources.

Discuss it with the alleged bully/harasser/victimiser.

If you feel able to do so, speak to the employee about their actions, how it made you feel and how it may make the person in receipt of the behaviour feel. Let them know that you think that the behaviour was inappropriate and should not be repeated. If you feel unable to do this, you should report the matter to your line manager, a union representative or your HR Business Partner who will discuss the issue on your behalf.

Inform Human Resources or your Union Representative.

Whether you have spoken to the alleged bully/harasser/victimiser or not, you should report your concerns to the HR Service Centre or your union representative who will notify the HR Business Partner for the business area, who will speak to the complainant to agree any next steps. It may be, if you have already spoken to the alleged bully/harasser/victimiser and they have agreed to amend their behaviour, that no further action is required.

WHAT TO DO IF SOMEONE TALKS TO YOU INFORMALLY ABOUT THEIR EXPERIENCES OF DISCRIMINATION, BULLYING, HARASSMENT OR VICTIMISATION?

Record Keeping & Advice to the Complainant.

If another employee tells you that they think they have been discriminated against, bullied, harassed or victimised you should try to keep a record of your discussion, noting what you were told and what you advised. This will be important if you feel comfortable discussing the matter with the alleged harasser/bully or if the matter were to be formally investigated.

You should advise the colleague of support available and of your personal duty of care to them and other employees and the requirement for the incident to be reported to Human

Resources.

Discuss it with the alleged bully/harasser/victimiser.

If the complainant asks you to speak to the alleged bully/harasser/victimiser on their behalf and you feel able to do so you should speak to the employee about their actions, and how it may make the person in receipt of the behaviour feel. Let them know that you think that the behaviour was inappropriate and should not be repeated. If you feel unable to do this, you should report the matter to your line manager, a union representative or HR Business Partner who will discuss the issue on your behalf.

Inform Human Resources or your Union Representative.

Whether you or the complainant have spoken to the alleged bully/harasser/victimiser or not, you should report your concerns to the HR Service Centre or your union representative who will notify the HR Business Partner for the business area, who will speak to the complainant to agree any next steps. It may be, if you have already spoken to the alleged bully/harasser/victimiser and they have agreed to amend their behaviour, that no further action is required.

WHAT TO DO IF YOU ARE ACCUSED OF DISCRIMINATION, BULLYING, HARASSMENT OR VICTIMISATION?

Record Keeping.

If you are told informally that your actions have offended someone and that they feel discriminated against, bullied, harassed or victimised by you as a result, you should make a record of your discussion, noting what you were told and how you responded. This will be important if you need to discuss the matter or if the matter were to be formally investigated.

You are advised to seek advice immediately from your line manager or union representative. You may also wish to contact the [Employee Assistance Programme](#) for some confidential advice and support.

Stop the offending behaviour.

If you have been told that your behaviour makes someone feel uncomfortable, then you should stop it immediately. Even though your behaviour may seem innocent to you, it is important to consider its effects on others. If you are told that your behaviour is making someone feel uncomfortable you should consider the following important points;-

- Remember it is the other employee's reaction to your behaviour that is important, not your intention nor the reaction you think they should have.
- Listen carefully to the complaint and to the particular concerns expressed.
- Stop the behaviour immediately and review the way you behave at work. It may be you have upset other employee who have not complained.
- If you continue to bully, harass or victimise someone after their objection to your behaviour has been made known to you, the fact that you persisted will make the offence more serious if disciplinary action were to commence.
- If you do not understand the complaint against you then discuss the matter further with your line manager, trade union representative or investigating officer (in formal investigations).
- If you are convinced that the allegations are unjust or malicious, you should contact

your line manager, and/or your Trade Union or discuss the matter confidentially with the [EAP](#) service. If the allegations are informal, you may be given the opportunity to engage in mediation with the complainant.

- If you are unsatisfied with the outcome of this you may ask for the allegations to be investigated formally so that a formal decision be made as to whether your actions were discriminatory, bullying, harassing or victimising the complainant.

DOCUMENT CONTROL RECORD

SUMMARY			
GE Policy Sponsor	Policy Owner	Policy Implementer	Policy Approver
Group HR Director Mohinder Kang	Employee Relations and Policy Director Lee Kelly	Head of Employee Relations Janene Mellor	Group HR Director Mohinder Kang
Version	Document Review Period	Policy – effective date	Policy location
1	Annual	01/10/2018	UK

REVISION HISTORY			
Version	Date	Changes	Approved by
2	01/07/19	<ul style="list-style-type: none"> - Update to 8.3.1. and 13 to provide clarity around shared documentation and confidentiality - Confirmation that an investigation meeting should be held with the respondent during the appeal if new evidence is disclosed. 	Janene Mellor

DOCUMENT DISTRIBUTION STATUS			
Distribution	Mark x as appropriate	Document Sensitivity	Mark x as appropriate
Internal	x	Non-sensitive	x
External		Sensitive	

QUALITY STATEMENT	
Quality Control	Next Review Date
<p>This document is periodically reviewed, and at least on an annual basis starting from the last effective date.</p> <p>This policy has been reviewed against the latest Post Office policy standards and legislative requirements.</p>	September 2020

