## CAIRNGORMS NATIONAL PARK AUTHORITY

## Dignity at Work Policy

### Introduction

1. The Cairngorms National Park Authority (the Park Authority) recognises that all employees, managers, contractors, agency workers, volunteers and anyone else engaged to work at the Park Authority have the right to be treated with dignity and respect whilst working at the Park Authority. This is inherent within our organisational Principles, which are set out around Passion and Dedication; Community; Pioneering; Inspiring Leadership (detailed version in appendix A)
2. The Park Authority is committed to ensuring that all its staff are treated with dignity and respect and equally that our staff treat others in the same way. We believe that all staff have the right to work in an environment which is free from any form of harassment and/or bullying. This policy covers conduct in the workplace, or conduct during activities sponsored or organised by the Park Authority outside the workplace (eg social events at the Staff Away Days).
3. The purpose of this policy is to provide a clear framework to all people working at the Park Authority to discourage any and all forms of discriminatory behaviour, and to address any alleged discriminatory behaviours which do arise.
4. All those engaged to work for and with the Park Authority are required to read this policy and to ensure that they understand what types of behaviour are unacceptable. If you have any queries, please refer to HR.
5. This policy has been consulted with a representative group of employees (the Staff Consultative Forum), to ensure that it is workable, clear and easy to understand. This policy does not form part of any employee's contract of employment. We may amend it at any time and decide to follow a different procedure where we consider it appropriate.

### Definitions

#### Harassment

1. Our policy is that any type of harassment of any of our employees is unacceptable behaviour, regardless of whether or not it meets the test of being against the law (see para 13). Anyone found to be in breach of this policy will be liable to disciplinary action, which could result in dismissal and/or termination of contract without notice.
2. Harassment may take a number of forms (including bullying), occurs on a variety of different grounds and can be directed at one person or a number of people. Harassment need not be directed at the complainant and can occur if the complainant witnesses another person being harassed.
3. The **unwanted nature** of the behaviour distinguishes harassment from friendly behaviour that is welcome and mutual. Staff must always consider whether their words or behaviour may be considered offensive.
4. Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim which is important, not whether or not the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.
5. Harassment usually arises because the perpetrator continues the behaviour even after it has been made clear that it is regarded by the recipient as offensive or unwanted. However, a single incident can be harassment if it is sufficiently serious.
6. While not an exhaustive list, forms of harassment include:
7. physical contact;
8. ‘jokes’ ‘banter’ and mimicry;
9. offensive language, shouting or behaving in an intimidating manner;
10. gossip or slander/defamation;
11. offensive, insensitive or intolerant remarks, messages or displays, made in any form including but not limited to, verbal comments, written comments including email, songs, the display or circulation of posters or pictures, graffiti, emblems, flags;
12. obscene or offensive gestures;
13. offensive email and screen savers etc;
14. isolation or non co-operation and exclusion, including during non-paid parts of the day such as lunch break;
15. coercion for sexual favours or sexually suggestive remarks (see paras 17 and 18 below);
16. pressure to participate in political/religious groups;
17. intrusion by pestering, spying and/or stalking;
18. continued requests for social activities after it has been made clear that such suggestions are not welcome; and
19. verbal, non-verbal or physical conduct of a sexual nature.
20. Harassment is unlawful in many cases and individuals may be held personally liable for their actions. In some cases their behaviour may also amount to a criminal offence.
21. Harassment that is unlawful has a very specific definition as being “unwanted conduct related to relevant “protected characteristics” that has the purpose or effect of:
22. violating a person’s dignity; or
23. creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

The Park Authority will not accept any behaviour that has this purpose or effect, whether or not it relates to the protected characteristics.

1. “Protected Characteristics” are defined by the Equality Act 2010 as being sex, gender reassignment, race, disability, sexual orientation, religion or belief, pregnancy and maternity, marriage and civil partnership and age.
2. For the avoidance of doubt, individuals may hold religious and/or philosophical beliefs which can be disagreeable or upsetting to others and are not considered in the ‘mainstream’. Notwithstanding this, such beliefs may be protected under the Equality Act 2010 and such individuals are subject to protection under this policy in the same way as those with other protected characteristics. Where there is conflict between protected characteristics, we expect all staff to be respectful of others irrespective of their personal view of same and ensure that their conduct does not infringe this or other Park Authority policies.
3. Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic when the recipient does not or where the unwanted conduct is because someone is associated with another person. Harassment also includes circumstances where an individual is subjected to unwanted conduct from a third party such as a client or customer.

### Sexual Harrasment

1. Sexual harassment is unlawful and is unwanted behaviour of a sexual nature which has the purpose or the effect referred to in paragraph 13 above. An individual of any gender may be the victim of sexual harassment.
2. Sexual harassment can occur in many forms. Examples of sexual harassment include:
	1. Physical contact of a sexual nature, unwelcome physical conduct or intimidation
	2. Persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions
	3. Showing or sending offensive or pornographic material by any means (eg by text, video-clip, e-mail or by posting on the internet or social media)
	4. Unwelcome sexual advances, propositions, suggestive remarks, or gender -related insults
	5. Offensive comments about appearance or dress, innuendo or lewd comments
	6. Leering, whistling or making sexually suggestive gestures
	7. Gossip and speculation about someone’s sexual orientation or transgender status. Including spreading malicious rumours

#### Bullying

1. Bullying can be defined as behaviour (from a person or a group) that is unwanted and makes the recipient feel frightened, less respected or put down, undermined, made fun of, humiliated or upset. Bullying can be verbal, non-verbal or physical.
2. Behaviour that is considered firm management by one person may be considered bullying by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the ‘grey’ areas that cause most problems. In our organisation, unacceptable behaviour includes (this is not an exhaustive list):
3. spreading false rumours, or insulting someone
4. putting someone down in meetings;
5. sharing communications that are critical about someone with others who do not need to know;
6. ridiculing or demeaning someone, picking on them or setting them up to fail;
7. deliberately excluding someone from communications or meetings without good reason;
8. excluding someone from team social events, including events outwith the working day and/or CNPA premises;
9. unfair treatment, eg not letting someone go on training courses that everyone else is allowed to go on;
10. overbearing or intimidating supervision or other misuse of power or position;
11. ‘upward bullying’, eg someone at the same or a more junior level overruling a person’s authority, showing continued disrespect, refusing to complete tasks, spreading rumours or doing things to make the person seem unskilled or unable to do their job properly;
12. making threats or comments about job security without foundation;
13. deliberately undermining a competent worker, eg by giving them a heavier workload than everyone else, or constantly criticising them; and
14. preventing individuals progressing by intentionally blocking promotion or training opportunities.
15. In addition to the general unacceptability of bullying behaviour, there may be particular considerations where any of the behaviours are cited as linked to matters of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation
16. Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to a worker in the course of their employment will not, on their own, amount to bullying. Managers remain responsible for the work and prioritisation of their teams. There will be points at which managers' instructions do not correspond with the team members' views. Implementing a managerial decision, or providing adverse feedback on performance is not bullying provided it is done respectfully
17. Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of legal proceedings. A member of staff should act promptly in raising concerns, as claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months beginning with the act complained of.

#### Victimisation

1. Victimisation is subjecting a person to a detriment because they have, in good faith, complained that they, or someone else, have been subject to discrimination
2. Examples of such detriments could include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.
3. Victimisation is unlawful when the discrimination is on the grounds of a “protected characteristic”.

1. Any type of victimisation is considered unacceptable by the Park Authority. Retaliation against an employee who brings a complaint of harassment and/or bullying is a serious disciplinary offence which may constitute gross misconduct and could result in dismissal.

### Responsibilities

#### Our Commitment to you

1. We are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, of our staff by
* ensuring all new staff undergo the online equality, diversity and inclusion training; and sexual harassment training, as part of their onboarding programme; This is typically the on-line training via the ELMS e-learning portal;
* requiring all staff to attend equality, diversity and inclusion training and sexual harassment training on at least an annual basis. This is typically the on-line training via the ELMS e-learning portal.
* providing additional training for line managers to ensure that they understand how to implement this policy effectively and their role in preventing and stopping bullying and harassment from occurring in the workplace (and by third parties that we may have contact with);
* encouraging individuals to support our equality, diversity and inclusion, and anti-harassment initiatives by attending events and workshops as appropriate to educate themselves on the challenges faced by others and how to help alleviate these in the workplace;
* monitoring our workplace culture through anonymous surveys, exit interviews, one-to-one conversations, and return-to-work meetings to identify and address any issues;
* undertaking regular risk assessments to determine reasonable measures that can be implemented to minimise the risk of exposure to sexual harassment in the workplace, and by third parties that you may have contact with; and
* ensuring that our zero approach to all forms of discrimination, and bullying and harassment, is communicated to all workers and third parties that you may have contact with.

#### Employees/Contractors

1. As an employee, you are responsible for ensuring your behaviour is compliant with this policy. You can also discourage harassment, victimisation and bullying by indicating your disapproval of such behaviour and making it clear to others when their behaviour is perceived as approaching unacceptable.
2. Where incidents of harassment, victimisation and bullying are witnessed, you should bring these incidents to the attention of management and/or HR, where they will be treated confidentially. If a complaint of harassment or bullying is made you should not prejudice or victimise the complainant or alleged harasser.

#### Managers

1. As a manager, in addition to personally complying with the policy, you should help create and maintain a work environment free of harassment, victimisation and bullying by:
2. creating a supportive work environment and leading by example;
3. ensuring that your team is made aware of the Park Authority’s Dignity at Work Policy and Procedure and the standards of behaviour expected;
4. ensuring, through your own actions that you do not conduct yourself in a manner which may be perceived as causing or condoning harassment, victimisation or bullying by other employees;
5. being open to organisational training and informal feedback from others and, where appropriate, modifying and adapting your own managerial behaviour to contribute to our values, culture and expectations and,
6. responding promptly and seriously to any complaint of harassment, and victimisation made to you.

### Procedure for raising concerns

#### Introduction

1. Because we take harassment, victimisation and bullying seriously, informal and formal reporting procedures have been introduced which are separate from our Grievance procedure as a mechanism for dealing with complaints of harassment and/or bullying. However, employees may choose to use the Grievance procedure as an alternative.

1. An employee can find it difficult to raise concerns for a number of reasons, such as embarrassment, fear of reprisals, not wanting to get someone into trouble etc. CNPA is committed to treating all complaints seriously, and investigating them swiftly, and sensitively, either on an informal or formal basis in line with the undernoted procedures. We will aim to respect a staff member’s right to confidentiality when handling any complaint. Retaining complete confidentiality can restrict our ability to fully investigate a matter. We will always involve a staff member who has made a complaint in the design of our investigation in order to liaise on the degree to which the degree of confidentiality may be managed. This practice aims to provide for the fullest investigation and most comprehensive outcome for the complainant, while providing assurance to the complainant of third parties who may become aware of their identity as a complainant. In very exceptional circumstances, where the public and organisational interest clearly rests with conducting a full investigation, we may have to breach confidence on the identity of the complainant. We would always seek to provide advance notice of such an action to the complainant.
2. If you are unsure as to whether an incident or series of incidents that has or have occurred constitute harassment and/or bullying, then in the first instance you should approach HR on an informal confidential basis. They will be able to support you in assessing whether the complaint necessitates further action, in which case the matter will be dealt with formally or informally as appropriate.
3. An individual may prefer to try to resolve the matter on an individual basis, if they feel able to do so. This approach may achieve the quickest and most confidential solution while minimising the stress for all involved. If individual action proves ineffective, the individual does not feel comfortable taking such steps and/or the bullying, harassment or victimisation is of a very serious nature, formal action can be taken.
4. It is recognised that in some instances the alleged perpetrator may not be a Park Authority employee. In such cases appropriate action will be taken to protect the employee(s) concerned.
5. An employee has the right to engage the support and advice of their trade union representative at any stage of the procedure and can be accompanied at a formal Dignity at Work meeting by a trade union representative or work colleague of their choice.
6. No employee shall suffer any form of detriment for bringing forward an allegation of harassment, bullying or victimisation. However, if an employee’s complaint is considered, following investigation, to be potentially malicious and to have been made in bad faith, then an investigation will be held in accordance with the Disciplinary Procedure.

##### Informal procedure

1. Dealing with a complaint informally means taking steps to resolve it without using a formal procedure like a grievance. We would encourage resolution at the informal stage as the preferred first step.
2. If we decide that the informal procedure is appropriate, we may try one or more of the following:
3. try to resolve the complaint by talking separately with the person who made the complaint and the person who has been complained about;
4. if we need to look into the complaint further, decide who will do so, and ask them to obtain evidence about the complaint: as an informal process, and in the spirit of seeking speedy understanding and resolution if possible, this evidence gathering will be limited to evidence immediately available with minimal contact with third parties and is therefore a much more limited investigation than will be the case in a formal procedure;
5. consider the best way to try to resolve it, eg by:
6. talking to someone in private;
7. trying to resolve it in a meeting with everyone involved, if they all agree; or
8. offering mediation, if everyone involved agrees.
9. If, after looking into a complaint thoroughly, we decide there is no need for action or further steps we will:
10. keep a written record of this decision and the reasons why; and
11. inform the person who made the complaint and explain our decision.
12. If the complaint cannot be resolved informally, you may decide to deal with it formally. A formal complaint can be made using the Dignity at Work form (Appendix B). Equally, if we find something out through informal means, we have to recognise as an organization that we have an obligation to deal with it even if the original complainant does not wish to pursue a complaint to a formal level.

##### Formal procedure

1. We may need to deal with a complaint formally if:
2. an employee makes a formal complaint;
3. the complaint is assessed prior to investigation as very serious: either in the nature of the allegation and / or the potential outcomes;
4. we come to understand there may be serious breaches of our policies or behaviours which fall well below the organisations reasonable expectations;
5. there is a possibility that we might need to consider disciplinary action.
6. If making a formal complaint, the complainant should report their concerns, in writing (Appendix B), to their immediate line manager and HR who will acknowledge receipt of the complaint and arrange an investigation to take place.
7. The complaint must identify the person who is alleged to have perpetrated the unwanted treatment and provide specific details of the unwanted conduct complained about. Specific incidents should be highlighted, with the following details provided where possible:
8. what happened;
9. when it happened;
10. who witnessed the behaviour; and,
11. how it made the employee feel.

##### Reorganisation/Relocation/Suspension from Work

1. We will consider whether it is necessary and practicable to separate the employees involved while we handle the complaint, eg by temporarily moving one of them to a different shift, team and / or physical location. Where the allegations are serious, we may suspend the alleged perpetrator on full pay while the complaint is being investigated. A decision to suspend the alleged perpetrator is not considered a disciplinary action, nor does it imply that any decision has been taken about the case.
2. Any period of suspension should be as short as possible but will depend on the individual circumstances pertaining to a reasonable investigation being completed. The requirement for continued suspension will be kept under review to ensure it is not necessarily protracted.
3. Advice should be sought from HR before any action under this section is implemented. A decision to suspend a member of staff may only be taken by the CEO or Deputy CEO

##### Investigation

1. An investigating officer will be appointed by the Senior Management Team. To ensure impartiality, investigators should as far as possible not have had any previous involvement in an advisory capacity regarding the case under investigation, or be connected with the allegation. Where there has been some limited prior advisory involvement, the complainant will be asked to confirm whether they are content with the proposed investigating officer.
2. The investigating officer will conduct the investigation into the complaint with due respect for the rights of all involved: complainant, anyone accused of inappropriate behaviour, and any witnesses or third parties invited to give evidence. All parties will be interviewed separately as soon as possible and granted the right, if they wish, to be accompanied by a trade union representative or work colleague at the interview.
3. The investigation will involve interviews with the person against whom the complaint is made and any other relevant witnesses. The alleged perpetrator will be given full details of the nature of the complaint and will be given the opportunity to respond. The investigation may also need to examine relevant documents, including emails and other evidence.
4. The complainant and the alleged perpetrator will be advised not to contact each other during the course of the investigation, nor contact anyone who may be a witness to the acts in question. Confidentiality will be maintained throughout the investigation into the allegation where possible/appropriate (see para 31). The importance of confidentiality will be emphasised to the employees involved, including any witnesses.

##### Outcome of Investigation

1. On completion of the investigation the investigating officer will submit a report (Appendix C) detailing the findings/recommendations which should be submitted to the appropriate Director and HR to consider what action may be taken. A copy of the report will also be provided to the complainant and alleged perpetrator.
2. If there are sections of the investigation report that contain statements from third parties that would identify them and the third party has expressed that they wish anonymity, the statements may not be included in the copies of the report supplied to the employee and the alleged perpetrator. However, the Investigating Officer will certify that they have evidence from member(s) of staff and state the effect of this evidence on their recommendations with regard to the allegations.

###### Allegation not well-founded

1. If the Director, after consultation with HR, concludes that the allegation(s) are not well-founded, the parties should be informed in writing, giving the reasons for the decision.
2. A complaint that is investigated and found not to be well-founded does not necessarily mean that a malicious complaint has been made. However, if the allegation is found to be of a malicious nature and made in bad faith, this will be considered under the Disciplinary Procedure. The Director considering the outcome of complaint will test whether the allegation is potentially of a malicious nature and made in bad faith with the Investigating Officer in cases where the allegation is not well-founded.
3. The HR department will support the alleged perpetrator, complainant and line manager in making arrangements for both parties to continue or resume working together and to help bring the employment relationship back to a satisfactory state. Informal training, counselling and mediation may be required in order to communicate and set clear standards of future conduct. We will consider applications to be transferred or for working relationships redefined from either party sensitively in such cases, recognising that despite there being no findings of a case to answer working relationships can become irrevocably damaged by such an incident

###### Allegation well-founded

1. Where the Director, after consultation with HR, concludes that there is sufficient evidence that behaviour in breach of this Dignity at Work policy has occurred, the investigation carried out during this policy shall be deemed to be sufficient for the purposes of the [Disciplinary Policy.docx](https://cairngormuk.sharepoint.com/%3Aw%3A/r/Shared%20Documents/Disciplinary%20Policy.docx?d=w965b2b471a6241d2800d73bb198962e6&csf=1&web=1&e=Am8plK), and further action may be taken in accordance with the Disciplinary Procedures. Depending on the circumstances and the seriousness of the complaint, this may result in a written warning, transfer or demotion or indeed the dismissal of the perpetrator with or without notice.
2. Consideration may also be given to other actions to attempt to prevent the recurrence of the discriminatory behaviour.

##### Appeal

1. The complainant may choose to appeal against the outcome of their complaint, this should be done in writing to the HR Manager explaining their reasons for their appeal. Any such appeal will be considered by a Director not previously involved in the process and a written outcome will be provided to the complainant.
2. Where an allegation is well founded and results in disciplinary action, the right of appeal for the person (s) subject to the complaint / allegation is as set out in the Disciplinary Policy. Where the allegation is not well founded, the person subject to the complaint may choose to appeal, as per the process in para 58 above.

### Special situations

#### Trade Union Representatives

1. Where a complaint has been made against an employee who is a trade union representative the opportunity of a discussion involving a full time official will always be offered prior to an investigatory meeting.

#### If a grievance is raised during a Dignity at Work Case

1. If any party raises a grievance in respect of matters not related to or connected with the complaint being considered, then the grievance will be considered under the Grievance Procedure but this will not normally be carried out until after the conclusion of the Dignity at Work Procedure.

### Employee Assistance Programme (EAP)

1. The CNPA recognises that employees who are the victims of harassment, victimisation and bullying may suffer an emotional and psychological reaction to the incident. It is essential that management’s response to these situations is supportive and if necessary, counselling can be arranged on request through HR or by the employee contacting the confidential Employee Assistance Programme.
2. Similarly, employees who have been accused of breaching this ‘Dignity at Work’ Policy can find the investigation process stressful and may require support. They can also access the confidential Employee Assistance Programme at any time.
3. The Employee Assistance Programme is an external agency which provide confidential counselling for individuals and counselling support for individuals or groups of employees who have been involved in incidents of violence, aggressive behaviour or serious injury.

### Records

1. All formal documentation relating to the formal stages of this Procedure will be held within HR in accordance with CNPA’s data protection policies and obligations.

### Monitoring and Review

1. The CNPA will monitor and review this procedure to reflect organisational needs, experience and statutory obligations as necessary.

### Version Control

* Policy Adopted on 4 August 2011
* Legal Review of Policy December 2023 to ensure alignment with suite of equalities policies
* Internal review of legal changes – August 2024
* Revised Policy tabled September 2024
* Updated October 2024 to reflect new legislation relating to the employer’s duty to prevent sexual harassment in the workplace

## Appendix A

### Organisational Principles

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| --- | --- |
| Principles   | By this we mean   |
| Passion and dedication   | * We are deeply committed to driving positive action within the National Park
* We are creating an environment that is exceptional for employees, residents, organisations, businesses and visitors alike
* We are working towards a place where people and nature are thriving together
 |
| Community   | * The Park Authority embodies a culture of openness, support, respect and inclusivity
* Every member of our team, and everyone we work with, is valued for their unique contribution
* Our approach to everything we do is driven by creating strong partnerships and collaborative efforts with others
 |
| Pioneering   | * We aim for excellence and our work should always serve as a beacon, inspiring and engaging others positively
* We are dynamic and bold in our approach, embracing creativity and innovation
* We are reflective, and committed to ongoing learning and evaluation
 |
| Inspiring leadership   | * We all support one another to be exemplars in our behaviours and performance
* We trust and respect each other, which fosters ownership and responsibility
* By visibly championing our exemplary policies and procedures, and holding each other to account, we build confidence and security
 |

## Appendix B

### CAIRNGORMS NATIONAL PARK AUTHORITY

### NOTIFICATION OF DIGNITY AT WORK COMPLAINT

#### Personal details

Name

Designation

Directorate

Location

Home Address

Contact Telephone No

Name of Trade Union OR Representative (work colleague) (we will only contact the Trade Union rep is the complainant requests this)

Contact Number for Trade Union or other representative (work colleague)

Please state your grounds of dignity at work complaint, in your own words

Use a separate sheet if necessary

## Appendix B

### DIGNITY AT WORK INVESTIGATION REPORT

#### BACKGROUND INFORMATION

A brief summary of the circumstances surrounding the dignity at work matter e.g. who is the alleged harasser, what happened, where did it happen, who was involved and outline of the investigation process.

#### DETAILS OF THE ALLEGATION

What standard has been breached, why is it considered to be a dignity at work matter?

#### CHRONOLOGY OF INVESTIGATION EVENTS

When did the incident occur, dates of meeting with employees/witnesses.

#### SUPPORTING EVIDENCE

Information which relates to the allegation and the investigation and which either supports / gives grounds for the allegation or refutes / contradicts / gives no grounds for the allegation.

#### MITIGATING CIRCUMSTANCES

Any information which the employee or a witness may have provided, in mitigation for or against the allegation.

#### RECOMMENDATION

Investigation Officer’s recommendations following completion of the dignity at work investigation. For example, formal disciplinary hearing or no further action or informal action.