

DIGNITY & RESPECT POLICY

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Policy overview

We're committed to a working environment where everyone is treated with respect and dignity. Bullying, harassment, victimisation and discrimination are not acceptable and will not be tolerated. We're committed to ensuring all individuals are treated fairly and valued equally.

This policy covers bullying, harassment, victimisation and discrimination in the workplace, social and electronic media and in any work-related setting (e.g. leisure travel, business trips work related social events).

Everyone is to be treated fairly, with respect and dignity and is entitled to work in an environment free from unwanted contact that has the purpose or effect of violating people's dignity, creating an intimidating, hostile, degrading, humiliating or offensive environment.

It's unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

It's also unlawful to discriminate directly or indirectly in recruitment or employment on the basis of Trade Union membership or participation in Trade Union activities or conversely because individuals are not members of Trade Unions or do not engage in Trade Union activities.

We won't tolerate bullying, harassment, victimisation and discrimination of any kind. All allegations will be investigated and may be treated as misconduct under our disciplinary procedure. In some cases, it may

amount to gross misconduct leading to summary dismissal. Individuals found guilty of bullying, harassment or discrimination may also be ordered to pay compensation by a court or employment tribunal.

We won't tolerate victimisation of anyone making allegations of bullying, harassment or discrimination, or of someone supporting a person making such a complaint.

Bullying, harassment, victimisation and discrimination can have very serious consequences for individuals and the Company. It can impact badly on organisational effectiveness, company reputation and business success. It's harmful to colleagues, employer and customers alike. It can subject individuals to fear, stress and anxiety. Great strains can be put on work, personal and family life leading to illness, accidents, absenteeism, poor performance and apparent lack of motivation.

This policy should be read in conjunction with our overarching Diversity and Inclusion Policy. Dignity and Respect assists in putting diversity and inclusion into practice. We believe no-one should be discriminated against, harassed or victimised and everyone should experience equality of opportunity in the workplace.

The principles of non-discrimination and equality of opportunity also apply in the way we treat customers, visitors and suppliers. Greater detail of our commitment to this can also be found in our Diversity and Inclusion Policy.

Who does this policy apply to?

This policy applies to all individuals working for ScotRail at all levels and grades, including consultants, contractors, trainees, part-time and fixed term colleagues, former colleagues and agency staff. All individuals have a duty to act in accordance with this policy and always treat each other with respect and dignity and not to bully, discriminate against, victimise or harass anyone.

1. Everyone Has a Responsibility

Every colleague, irrespective of grade, has a responsibility to create a working environment where everyone is treated with respect, dignity and not to behave in a way that could be offensive to others.

Colleagues have an additional responsibility of raising awareness of any incident of harassment, bullying victimisation or discrimination that is witnessed by them, to an appropriate person.

Management Responsibility

All managers lead by defining acceptable standards of behaviour through their own actions and reactions to behaviours of others. Managers seen to avoid, cover up or excuse bullying, harassment, victimisation or discrimination will be viewed by others as condoning the behaviour.

2. Unacceptable Behaviour

Behaviour that is unacceptable includes:

- Unwanted physical conduct such as unnecessary touching, patting, pinching, brushing against another person's body, insulting or abusive behaviour or gestures, physical threats, assault, coerced sexual intercourse or rape.
- Unwanted verbal conduct such as unwelcome advances, patronising titles, nicknames, propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language, which refer to a person or a group's gender, colour, race, nationality, ethnic or national origins, disability, sexual preference, age or repeated suggestions for unwanted social activities.
- Unwanted non-verbal conduct such as offensive graffiti, abusive or offensive gestures, whistling, display of pornographic or suggestive literature, pictures or films/videos, inappropriate use of display screen equipment such as computers, mobile phones and devices or network systems for the purpose, including inappropriate use of electronic mail, mobile phone messaging and social media sites.

Bullying

Bullying is characterised as offensive, intimidating, malicious or insulting behaviour, an abuse of power intended to undermine, humiliate or injure the recipient. It can include persistent criticism and personal abuse, either in public or private.

Harassment

Harassment is unwanted contact related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person; or is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the

person responsible for the conduct. Some harassment is unlawful discrimination and serious harassment may be a criminal offence.

“Harassment by a third party” is where harassment of colleagues is by a person who is not employed directly by the Company. Whilst we have no legal liability in these cases, we will investigate any claims and take any possible action against the harasser.

Victimisation

Victimisation occurs when someone is treated less favourably than others because he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.

Discrimination

Discrimination occurs when a person is disadvantaged because of their age, disability, race colour, ethnic or national origin, gender reassignment, marital or civil partner status, pregnancy or maternity, religion or belief, sexual orientation and Trade Union Membership or non-membership of a Trade Union. Discrimination may be direct or indirect. (e.g. The promotion of a man rather than a woman on grounds of a woman’s gender, or the selection for redundancy of a black colleague rather than a white colleague on the grounds of race).

You will also be protected from discrimination due to any perceived differences or being associated with someone who has a protected characteristic, for example a family member or friend or if you have claimed about discrimination or supported someone else’s claim.

Indirect Discrimination

This occurs when a requirement or condition is applied whether it is intended or not and as a result it could adversely affect one group considerably more than another and where it cannot be justified. (e.g. A requirement that all colleagues must be at least six foot tall to undertake a particular role will indirectly discriminate against women, as considerably less women than men will be able to meet that height requirement).

3. Equal Opportunities

It’s important all our colleagues feel comfortable at work. Equal opportunities help to guarantee all colleagues, future colleagues, consultants, contractors, trainees, part-time and fixed term colleagues and eligible agency staff are treated fairly, in particular regard to:



- Recruitment & Selection
- Promotion
- Transfers
- Training & Development
- Rostering
- Overtime
- Discipline & Grievance
- Pay & Benefits
- Redundancy
- Ill health retirement

4. Dealing With a Problem

The nature of bullying, harassment, victimisation or discrimination is such that it's recognised a colleague may not wish to discuss it initially with their immediate line manager or supervisor. Access to confidential counsellors is available, through the Employee Assistance Programme, details of which can be found on local notice boards.

Additional support is also provided by HR Business Partners, the Employee Relations Manager and Trade Union Representatives.

All complaints and associated correspondence and interviews must be treated in strict confidence. Breaches in confidentiality may be dealt with under the disciplinary procedure. If a complaint is upheld, the resolution to the situation needs to be immediate and to be aimed, amongst other things, at preventing any repetition of the behaviour or any associated behaviour.

The aim is to stamp out bullying, harassment, victimisation or discrimination and to prevent recurrence. When appropriate, every effort will be made to resolve the situation informally. Complaints should be made as soon as possible after the incidents concerned. Anyone who has a problem should write down what happened, where and when it happened and who witnessed it. A written account is important because memories can fade.

Informal Steps

Any colleague who feels they or others have been bullied, harassed, victimised, discriminated against or treated in a way that breaches this policy should, if they feel able to do so, immediately tell the person(s) doing it the behaviour in question is offensive, unwanted and they want it to stop.

Alternatively, they may prefer to put it in writing to the person(s) doing it, keeping a dated copy of the letter, or to ask another colleague, manager or Trade Union Representative to speak to the person(s) on their behalf.

This is often enough to resolve the issue, particularly if the person(s) involved were unaware their behaviour was causing offence. There is also the opportunity to offer mediation to help resolve the matter informally.



Any member of staff who feels unable to do this or continues to be subjected to the behaviour which is in breach of this policy may choose to discuss the matter with their line manager, a fellow colleague, Human Resources or a Trade Union representative.

A manager or supervisor who becomes aware of behaviour which breaches this policy, whether or not a complaint has been made, has a responsibility to attempt to resolve the matter.

Formal Steps

At any time, whether or not informal steps have been taken, any colleague who feels they have been bullied, harassed, victimised or discriminated against can raise the matter directly with their manager or HR department, either verbally or in writing.

If appropriate the manager may need to undertake a formal investigation following the grievance procedure. If this is the case the matter must be dealt with as follows:

- The appropriate manager must conduct an investigation to establish the facts and should offer the support provided by the Employee Assistance Programme to any of those involved. The appropriate manager will invite the complainant to a meeting to discuss the issue. The complainant may, if they wish, be accompanied by a fellow worker, a Trade Union Official or an official employed by a Trade Union.
- We'll, so far as possible, take a period of no longer than six weeks to conclude such a grievance investigation and will attempt to deal with all such matters within 2- 4 weeks.
- On concluding the investigation, the manager must decide whether there's a requirement to refer the report to an independent manager to consider if there's a case to take to formal disciplinary action.
- The manager must inform any complainant and the alleged harasser of the outcome as soon as possible following the conclusion of the investigation.
- If, following the investigation, management decide there is a case to answer they must immediately initiate the Disciplinary Procedure.
- Other potential outcomes of the investigation could be (but not limited to):
 - Mediation
 - Training
 - Transfer of location or shift change
 - Briefing

- In very serious cases a criminal offence may have been committed and management may be required to report matters to the police.
- If any complainant is not satisfied with the outcome of the investigation, they can appeal the decision as outlined in the Grievance Procedure.
- Management will conduct the appeal and shall refer to the investigation manager's report. An appeal hearing shall be held as outlined in the Grievance Procedure.

5. Disciplinary Implications

Single offences which amount to serious breach of this policy, or repeated offences, may constitute gross misconduct and as such may lead to dismissal. Disciplinary action will be taken against those failing to fulfil their responsibilities under this policy. Harassers, their supervisors and their managers may also be held personally liable in the event of any legal proceedings.

All colleagues should appreciate the Disciplinary Procedures will be invoked where any grievance lodged under the terms of this policy is considered to be inappropriate, unreasonable or malicious.

6. Confidentiality

All complaints and associated correspondence and interviews must be treated in strict confidence. Breaches in confidentiality may be dealt with using the disciplinary procedure.

Review and Revision History

Version	Date	Issued By	Status	Review Due	Comments
1	10/03/22		Final	March 24	Rebranded

