

Dignity at Work Policy



Version	Date	Action
1	July 2022	Adopted by The Beam Trust from LA

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1. POLICY STATEMENT

The Trust is committed to working towards creating a working climate in which all workers are treated fairly and with dignity and respect.

Dignity at Work is not just about inappropriate behaviour (such as bullying and harassment), it's about:

- Structures and practices that offer equality of opportunity
- Collective and individual voice
- Safe and healthy working conditions
- Secure terms of employment
- Just rewards

This Policy is linked to the Trust's Code of Conduct for employees, and is part of the Trust's strategy to provide dignity at work for all by providing a structured approach to help promote a culture of dignity and respect, prevent inappropriate behaviour and tackle such behaviour where it occurs.

The Trust recognises its duty of care to employees and that to work effectively people need a climate in which they are respected and valued. All workers, especially those who have responsibility for others, share this duty of care. The Trust therefore expects all workers to treat each other with respect, courtesy and consideration at all times. All workers have the right to expect professional behaviour from others, and have a corresponding responsibility to behave professionally towards others.

On the whole, staff within the Trust maintain high standards of professional conduct. If however, any member of staff feels uncomfortable as a result of the behaviour of another, they have the right to challenge such behaviour and/or raise a complaint. Frequently, the best resolution is by means of an open and honest discussion, with support if necessary. All staff are encouraged to challenge unacceptable behaviour, be it towards themselves or another individual.

It is inevitable, that from time to time, within any staff group, there may be a level of disharmony or friction. Disagreement and debate are to be expected and can be productive and developmental. Most of the time colleagues are able to overcome differences of opinion or approach through tolerance, acceptance of diversity and debate. However, there are occasions when, what may seem small differences are compounded, or more extreme activity occurs which moves beyond the boundaries of normally acceptable behaviour.

If difficulties cannot be resolved informally, complaints can be raised through the Grievance Procedure. Any complaints made about inappropriate behaviour will be thoroughly investigated and without delay. All allegations will be treated seriously and sensitively, and confidentiality will be maintained throughout the process.

If a complaint is judged to be vexatious or malicious, disciplinary action will be taken against the complainant; however disciplinary action will not be taken if a complaint made in good faith is judged to be unfounded.

Action will be taken to protect employees from intimidation, victimisation or discrimination for making a complaint or assisting in an investigation. Retaliating against an employee for complaining about, or assisting in an investigation, is a disciplinary offence.

2. SCOPE OF THE POLICY

2.1 This Policy applies to:

- All employees who are employed by the Trust.
- Members of the Local Governing Body and Trust Board.
- Agency and contract workers and others whom work with the Trust (the principles of the policy apply, however the complaints procedure will be different as it would for an employee i.e. the grievance procedure will not be used).

2.2 This policy has the potential to include inappropriate behaviour outside of working hours, with particular reference to work related social functions and other organised events, where this has an impact on working relationships.

3. AIMS OF THE POLICY

3.1 The aims of the Dignity at Work Policy are to:

- Ensure the dignity at work of all our workforce.
- Encourage professional behaviour and a productive working environment.
- Respect and value differences.
- Make full use of the talents of all staff.
- Prevent acts of discrimination, exclusion, unfair treatment and other negative or demeaning behaviours.
- Encourage an early and speedy resolution of complaints.
- Demonstrate our commitment to equal opportunities for all.
- Educate and develop our workforce to challenge and tackle inappropriate behaviour.
- Be fair and just in our dealings.

3.2 The Trust will:

- Take reasonable steps to protect the dignity of all staff.
- Ensure that all policies and procedures are consistent with the principles of justice, fairness and respect for employees and the organisation.

- Ensure that there are appropriate procedures and systems in place to promote the dignity of employees at work and provide advice, information and support to protect the dignity of our workers.
- Educate all employees on their personal responsibility to behave in a way that respects the dignity of fellow workers.
- Raise awareness of the Dignity at Work Policy, making relevant training and Grievance procedures and guidance available.
- Develop systems to monitor and assess the effectiveness of our actions and interventions.

4. PRINCIPLES

4.1 The principles on which this policy is based are:

Organisational Culture – All employees of the Trust must treat their colleagues with respect and dignity. Anyone who engages in behaviour which is not respectful, or supports or encourages such behaviour by others, may be liable to disciplinary action.

Self-definition – Inappropriate behaviour is not determined solely by the intention of the person who has caused offence, but also by the effect it has on the recipient. The issue of intention is clearly relevant in determining the appropriate response to a complaint.

Impartiality – There is an independent process available to establish what happened in any incident, as far as that is possible.

Fair Treatment – Both parties to a complaint will be treated fairly. They will both be offered support and guidance throughout the process.

Non-Victimisation – Employees of the Trust will be protected from victimisation for making or being involved in a complaint.

Confidentiality – As far as is practically possible, confidentiality will be maintained.

5. EXPECTED BEHAVIOURS

5.1 All employees of the Trust have a role to play in helping to create a culture where Dignity at Work is respected and any form of inappropriate behaviour is not accepted.

5.2 As a Trust employee, you should, and you can expect your colleagues to:

- Take into account the views, concerns and feelings of others when giving and receiving information.
- Contribute to a healthy and safe working environment.

- Project a helpful and professional image to colleagues and school users.
- Through their own behaviour, manner and conduct, represent the Trust to the outside world in a positive way.
- Recognise the needs of (internal and external) school users who may have special requirements, e.g. barriers to communication or access.
- Be positive and helpful when communicating with school users.
- Build working relationships based on trust, respect, sharing, co-operation and mutual support, by:
 - Co-operating with others, sharing useful or relevant information and experience.
 - Being supportive and offering assistance when required.
 - Encouraging and listening to other team members' ideas, opinions and feelings and appreciating their perspective.
 - Establishing and maintaining constructive and open relationships with colleagues.
 - Understanding how their own work can impact on other team members.
- Display a commitment to equality of opportunity and dignity at work by:
 - Demonstrating an understanding of the School's Equality and Diversity commitments.
 - Respecting and valuing diversity issues.
 - Contributing to a non-discriminatory work environment.

5.3 In addition to the behaviours listed for all employees, managers should:

- Actively encourage co-operative working.
- Support and empower members of their team.
- Involve others in the process of making decisions and planning.
- Provide opportunities for others to explore problems, arrive at and/or contribute to solutions.
- Know the importance of getting feedback from others.
- Encourage, enable and use such feedback in a constructive manner.
- Actively develop self and encourage others to take an active part in their own development, while ensuring that team development is relevant and cost-effective.

These expected behaviours should be reviewed as part of the Performance Management process for teachers and the Performance Review and Development (PR&D) process for support staff.

5.4 Headteachers have a legitimate right to manage and set realistic performance objectives and raise poor performance (by following School Policy). The key is the manner in which this is done.

6. UNACCEPTABLE BEHAVIOUR

- 6.1 Unacceptable behaviour is defined as behaviour that breaches the generally recognised norms of socially acceptable conduct at work, or which contravenes Trust policy. Unacceptable behaviour is assessed by the impact the behaviour has on the recipient.
- 6.2 Unacceptable behaviour may occur in a headteacher/manager/employee relationship, between colleagues in the workplace or across the Trust. It may be persistent or in some circumstances, an isolated incident.
- 6.3 There are many forms of behaviour which are inappropriate and unacceptable within the workplace, and what may be appropriate within one set of circumstances may be inappropriate in another. Usually people are able to judge where the limits of acceptability lie and to modify their behaviour appropriately in any given situation, however this is not always the case (for example, conflicts and misunderstandings can sometimes result from cultural differences).
- 6.4 Inappropriate behaviour carries a cost at both an individual and organisational level. Employees can be subject to fear, stress and anxiety, which can put great strains on personal and family life and can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignation. For the Trust, the costs can be poor morale, reduction in quality of service, higher staff turnover, divided teams and damage to reputation.
- 6.5 For the purpose of this policy, behaviour is defined as inappropriate if it is:
- unwanted by the recipient, and
 - perceived by the recipient as violating his or her dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment and
 - having regard to all the circumstances, including the recipient's perception, the behaviour could reasonably be considered as having that effect
- 6.6 Inappropriate behaviour includes a number of specific behaviours, (e.g. victimisation, bullying or harassment) relating to gender, race, ethnicity or national origin, disability, sexuality, religion or belief, marital status, age, social class, trade union activity or political belief. Such behaviours may have legal, as well as moral and ethical, implications.

Definitions and examples of unacceptable behaviour are set out in Appendix A

7. SOURCES OF ADVICE AND SUPPORT

- 7.1 The Trust recognises that there can be difficulties in raising the issue of unacceptable behaviour, particularly in its more extreme manifestations. However, it is important that potential difficulties are overcome so that such

behaviour is not allowed to continue and to facilitate this several sources of advice and support are available

- 7.2 It is recognised that, usually the best person to raise a complaint about unacceptable behaviour, is with the Headteacher and this is encouraged wherever possible. However it is understandable that an employee may not always feel comfortable doing this and may prefer to talk the issue through with an alternative person, particularly if the complaint is about the Headteacher/line manager.
- 7.3 A series of options are available to enable employees to be supported.

Trade Unions

The Trust recognises the important role Trade Unions play in addressing dignity at work and members are encouraged to approach these representatives regarding their concerns. The Trust will work in conjunction with the Trade Unions in addressing unacceptable and inappropriate behaviours.

Independent Mediators

Mediation refers to neutral and objective facilitation by a third party to help the parties communicate with each other and come to an agreement to restore positive working relationships. Employees may want to use a Mediation Service prior to considering formal procedures or to find a way of working together again after being involved in formal procedures.

Any of the parties can request the assistance of a mediator to assist in the resolution of issues arising from a complaint of inappropriate behaviour. However taking part in mediation is entirely voluntary and can only take place with the agreement of all parties involved.

Human Resources

HR Business Partners act as a neutral party in any complaint under this policy (through the grievance procedure). They can offer confidential advice and guidance in relation to policy and procedure.

8. ROLES AND RESPONSIBILITIES

The Trust has a responsibility:

- To promote dignity at work and take all reasonable steps to prevent and eliminate all forms of inappropriate behaviour.
- For ensuring headteachers/managers and employees know how to deal with inappropriate behaviour when it occurs.
- To ensure investigators are available to effect the policy.

Headteachers/Managers have a responsibility:

- To demonstrate high standards of behaviour.
- To familiarise themselves with policy and procedure and ensure employees are aware of them.
- For ensuring a safe working environment including taking appropriate action to tackle and eliminate unacceptable behaviour if and when it occurs.
- To deal with complaints promptly, sensitively, effectively and in accordance with the procedure.

Employees – it is the responsibility of every employee of the Trust and member of the Local Governing Body and Trust Board:

- To take responsibility for their behaviour and modify it if necessary.
- To help prevent offending behaviour by challenging and reporting colleagues whose behaviour appears to be causing distress to others.
- To encourage colleagues to be open with each other and to resolve differences informally and at an early stage to avoid escalation of the situation;
- To let people know straight away if they are offending you.

The role of **Human Resources** is:

- To champion the principles of the Policy and ensure the aims are achieved.
- To provide guidance to Headteacher/managers and employees of the Trust on the operation of the policy and grievance procedure, encouraging speedy and informal resolution (where appropriate to do so).
- To monitor the operation of the grievance procedure to ensure consistency and timelines.
- To gather and analyse appropriate data, and monitor the numbers and nature of complaints reported.
- To attend formal meetings, when required, as a 'neutral' party to assist the process.

Investigating Officers will either be senior managers within the Trust, or occasionally may be an external consultant, whose role is:

- To explore the complaint.
- To interview the alleged offender.
- To make further investigations.
- To examine the evidence.
- To produce a report making recommendations.

The role of the **Trade Union Representative** is to provide independent advice and support to their members.

The role of a **Mediator** is:

- To speak confidentially to all parties.
- To explore the issues and facilitate a structured dispute resolution process.
- To act as a neutral facilitator.
- To help build an agreement for future working relationships.

9. COMPLAINTS

- 9.1 The Trust has adopted a Grievance Procedure to recognise the particular nature of complaints of unacceptable behaviour, including bullying and harassment. The procedure provides for both informal and formal resolution of complaints. Whilst every employee has the right to ask for a formal investigation to be undertaken, the Trust recognises the considerable strain such investigations can in themselves generate and would wish to promote and facilitate informal resolution wherever possible.
- 9.2 It is recognised that in many cases, all that the complainant wants is for the unwanted, offensive discriminatory or bullying behaviour to stop. In addition, it is often the case that the person who is responsible for such behaviour may not know that their behaviour is having that effect. If told about the problem, the person may be willing to change their behaviour immediately. The Grievance Procedure is therefore intended to be flexible enough to cater for such circumstances, but also robust enough to deal with cases of discrimination, harassment, bullying or victimisation which require an investigation and possible disciplinary proceedings.
- 9.3 Every effort will be made to ensure that employees within the Trust making complaints, and others who give evidence or information in connection with the complaint, will not be victimised. Victimisation is discrimination contrary to equality legislation. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation may result in disciplinary action, including the possibility of dismissal.
- 9.4 The Trust has a duty to monitor hate incidents. Hate incidents are any incidents that are targeted at a person because of hostility or prejudice towards that person's:
- disability
 - race or ethnicity
 - religion or belief
 - sexual orientation
 - transgender identity

Hate crimes and incidents are reportable to the police. Their website **True Vision** provides information on what hate crimes and incidents are and how you can report them.

- 9.5 Where there has been an allegation of inappropriate behaviour, an employee of the Trust has the right to seek advice from a HR Business Partner, or their Trade Union representative, as appropriate, and will be advised in writing, of this right, should a formal complaint be made. They have a right to respond fully to such accusations and to be accompanied in this process by their trade union representative or work colleague.

10. THE LEGAL VIEWPOINT

- 10.1 Behaviour that can be construed as harassment, bullying and/or victimisation, and the failure to deal with such incidents or allegations, may expose the Trust, and individual employees of the Trust to a number of legal consequences.
- 10.2 Discrimination and harassment based on race, ethnicity, gender, sexual orientation, disability, age or religion and belief are serious employment issues and may be in breach of Equality Act 2010 the Human Rights Act 1998, the Protection from Harassment Act 1997 and/or Employment Equality Regulations.
- 10.3 Employers have a 'duty of care' for all their employees. If the mutual trust and confidence between employer and employee is broken, there could potentially be a fundamental breach of contract. Employers are usually responsible in law for the acts of their employees.
- 10.4 Under the Health and Safety at Work Act 1974 employers are responsible for the health, safety and welfare at work of all employees.

11. CONFIDENTIALITY

- 11.1 A high degree of discretion, sensitivity and confidentiality must be exercised by all those involved at any stage of dealing with a complaint. However, confidentiality must not act as an impediment to the thorough investigation of complaint where that is required and nor should it be used to undermine the right of any employee of the Trust to be treated fairly.
- 11.2 All employees of the Trust involved in any investigation are expected to respect the need for confidentiality. Failure to do so will be considered a disciplinary offence.
- 11.3 Statistical information will be gathered for monitoring purposes and will be treated with confidentiality and in accordance with the Data Protection Act.

12. REVISION OR TERMINATION OF THIS POLICY

- 12.1 The operation of this policy will be monitored and periodically reviewed by Human Resources, or nominated representative. Any amendment to it (other than factual amendment following changes in statute or Trust/Local Authority structures) will be subject to consultation with the recognised Trade Unions through the appropriate Joint Consultative Panels.

13 FURTHER INFORMAITON

- 13.1 Further advice and guidance on this policy can be obtained from the Trust HR Business Partner or Trade Union representative.
- 13.2 If you would like to comment on the content of the policy please contact the Trust HR Business Partner.

APPENDIX A

DEFINING INAPPROPRIATE BEHAVIOUR

1. INTRODUCTION

- 1.1 There are many forms of inappropriate behaviour, some of which can be defined/labelled under bullying or harassment or victimisation. However, there are behaviours that do not come under a specific label, but are equally inappropriate.
- 1.2 Any conduct that denigrates, ridicules, intimidates or is physically abusive of an individual or group is inappropriate and will not be tolerated.

2. HARASSMENT

2.1 What is Harassment?

Harassment can be any unwanted attention or behaviour that a person finds objectionable or offensive and which makes them feel threatened or uncomfortable, leading to a loss of dignity or self-respect. It is not the intent of the harasser but the impact on the recipient that defines harassment. People can be subjected to harassment on a wide variety of grounds. These can include:

- Sex
- Sexual orientation (or perceived sexual orientation)
- Transgenderism (transsexual, transgender)
- Marital status
- Race, nationality, ethnic origin, national origin or skin colour
- Disability
- Age
- Employment status e.g. part-time, fixed-term, permanent, self-employed, agency worker, etc.
- Membership or non-membership of a trade union
- The carrying out of health and safety duties
- Religious or political beliefs
- Deeply held personal beliefs
- Criminal record
- Health, e.g. AIDS/HIV sufferers, etc.
- Physical characteristics
- Willingness to challenge harassment – being ridiculed or victimised for raising a complaint.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that the recipient regards it as offensive. However, just one incident may constitute harassment if it is sufficiently serious.

Harassment takes many forms: from relatively mild banter to actual physical violence. Employees of the Trust may not always realise that their behaviour constitutes harassment, but they must recognise that what is acceptable to one employee may not be acceptable to another – determining what is acceptable is an individual right that we must all respect.

2.2 Forms of Harassment

The following is not intended to be an exhaustive list, but to provide some examples:

Sexual Harassment

Sexual harassment can be defined as unwanted conduct of a sexual nature or other conduct based on gender, which is offensive to the recipient and affects the dignity or wellbeing of men and women. Examples include:

- Negative or stereotypical comments about the ability to work by one or other gender.
- Unwelcome physical contact, propositions or demands for sexual favours.
- Unwanted comments about dress or appearance.
- Leering and suggestive gestures.
- Unwelcome sexual remarks such as jokes, innuendo or teasing.
- The display of pin-ups, pornographic pictures, sexually suggestive subjects or offensive objects.
- Sexual posts or contact on social media.
- Sending sexually explicit texts or email messages.

Racial Harassment

Racial harassment can be defined as unwanted conduct of a racial nature, or other conduct based on race, colour, ethnic or national origin, or conduct which is offensive or which affects the dignity or wellbeing of an individual. Examples include:

- Racist language, jokes, banter or derogatory statements about national origin.
- Racist graffiti or the display of racially offensive material.
- Physical attacks on individuals because of their race or ethnicity.

Harassment on the grounds of Disability

This can be defined as words, actions or other conduct, which ridicules, intimidates or threatens an individual because of their disability and which affects the dignity or wellbeing of the individual. Examples include:

- Patronising remarks, belittling comments or assumptions based on the person's disability.
- Mimicking the particular disability.
- Intimate questioning about a person's disability.
- Exclusion from conversation or social activities.
- The assumption that physical disability equals mental disability.

Harassment on the grounds of Sexual Orientation

This can be defined as words, actions or other conduct which ridicules, intimidates or threatens individuals because of their sexual orientation, and which affects the dignity or wellbeing of the individual. Examples include:

- Offensive comments, language or jokes.
- Threatening to publicise that a colleague is gay or lesbian.
- Intimate questioning about someone's personal or sexual life.
- Making stereotypical assumptions about lesbians and gay men.
- Displaying or circulation homophobic or anti-gay materials.
- Gossip and speculation about someone's sexuality.

Harassment on the grounds of Religion or Belief

This can be defined as words, actions or other conduct which ridicules, intimidates or threatens individuals because of their religion or belief, and which affects the dignity or wellbeing of the individual. Examples include:

- Offensive comments, jokes or offensive language or ridicule.
- Exclusion from social activities.
- Coercive pressure to convert or conform to a religion or belief that an individual may not hold.
- Offensive graffiti or visual images.

In addition to those examples of unwanted conduct stated above, people may also be harassed on the **grounds of their age**, which could include assumptions or derogatory remarks about their ability or competence. Harassment can also involve deriding or mocking people's **social class**, or their **trade union involvement** (or lack of it).

Harassment on the grounds of Gender Reassignment

This can be defined as words, actions or other conduct which ridicules, intimidates or threatens individuals because of their transsexual status, and which affects the dignity or wellbeing of the individual. Examples include:

- Refusing to associate with or ignoring someone.
- Refusing to address the person in their acquired gender or use their new name.
- Probing into the person's private life.
- Failing to keep confidential information about their transsexual status.
- Indefinite refusal to allow use of sanitary facilities appropriate to their gender following a reasonable transition period.

2.3 Why Do Some People Harass Others?

There is no age, class or gender profile of the person most likely to harass. Like other forms of discrimination, harassment can be deliberate, wilful and conscious. It can however, also be unintentional or unconscious. Reasons why people harass others include:

- Many regard "banter" to be a normal part of the working environment (a view often expressed is that "It's just the way things are around here").
- Some see overtly sexist or racist behaviour as a laugh and a joke, and not to be taken seriously.
- Some see harassment as the rightful treatment to be meted out to certain groups.
- Some have grown up with a set of values that view members of the opposite sex as sex objects or subservient, other racial groups as inferior in some way, disabled people as subnormal/freakish, or homosexuals as "unnatural".
- Some see it as part of the natural order of things – "the way things are in the world" (a view often expressed is that "everyone has the mickey taken out of them at some time").
- Some privately view their behaviour as embarrassing but are unwilling to do anything about it because their colleagues do it and they don't want to be seen as being different.
- Regrettably, sometimes people do not even realise that there is a problem until it has been pointed out that such a problem actually exists.

One person's idea of banter or a joke, however innocent, may well be interpreted by the recipient as personal ridicule. Essentially it is the **impact** of the behaviour that actually counts, not necessarily the intent.

It is impossible to give guidelines as to what people can and cannot say. The important message for everyone is this: one person's idea of a joke may well be another person's idea of offensive behaviour; if anything you think about saying may cause offence – don't say it!

3. BULLYING

- 3.1 Bullying can be defined as persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair sanctions which makes the

recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress.

Examples of Bullying

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions like deliberately ignoring someone at work. These can be split into two categories.

Obvious Bullying:

- Shouting or swearing at people in public and private.
- Persistent criticism.
- Ignoring or deliberately excluding people.
- Persecution through threats and instilling fear.
- Spreading malicious rumours.
- Constantly undervaluing effort.
- Dispensing disciplinary action which is totally unjustified.
- Spontaneous rages, often over trivial matters.

Less obvious bullying:

- Withholding information or supplying incorrect information.
- Deliberately sabotaging or impeding work performance.
- Constantly changing targets, without justification.
- Setting individuals up to fail by imposing impossible deadlines.
- Removing areas of responsibility and imposing menial tasks.
- Unjustifiably blocking applications for holiday, promotion or training.

These examples listed are not exhaustive. The actions listed must be viewed in terms of the distress they cause the individual. As with harassment, it is the perceptions of the recipient that determines whether any action or statement can be viewed as bullying.

Bullying and harassment do not necessarily occur on a face to face basis. They may also occur as:

- Written communication
- Electronic mail
- Persistent text messages
- Posting up or downloading offensive material
- Phone messages
- Unfair work allocation

Understanding the Bully

Some reasons that bullies act the way they do is because they:

- Have deep feelings of personal insecurity, i.e. very low self-esteem.
- Like to punish people for being too competent.

- Think that by shouting at people it gets things done.
- Want to make life difficult for people who can do the job better than they can.
- Cannot trust anyone so they think that they have to do everything themselves.
- Enjoy picking on people in front of others to show how powerful they are.
- Insist that they are always in the right so that everyone else must be an “idiot”, and therefore must be treated as such.
- Dislike having their authority challenged.
- Feel envious of other peoples’ professional or social abilities, so they set out to make them appear incompetent, or make their lives a misery.

Bullying is not:

- Legitimate and constructive feedback on an employee’s performance or behaviour (either positive or negative).
- An occasional raised voice or argument between two or more people.
- A momentary loss of temper, which an individual regrets, apologises for and learns from.
- Legitimate management behaviour.

It is unacceptable to condone bullying under the guise of ‘firm management’. A firm management style is acceptable, providing that employees are treated with respect and dignity.

4. VICTIMISATION

- 4.1 Where a person is treated badly or subjected to a detriment because they have brought proceedings, given evidence or information, rejected advances or complained about the behaviour of someone who has been harassing, discriminating against, or in some other way intimidating them.