



## **DIGNITY AT WORK POLICY (2024)**

### **1.0 INTRODUCTION**

The Association is committed to providing a working environment and culture where everyone has the right to be treated with dignity and respect, free from harassment, sexual harassment, bullying, discrimination and victimisation of any nature. Every employee, governing body member, agency worker, contractor, and consultant engaged by the Association has a responsibility to treat anyone who is associated with the work of the Association with dignity and respect, regardless of any personal characteristic.

We believe that a culture of equality, diversity and inclusion not only benefits the Association, but supports wellbeing and enables people to work better, be themselves and feel that they belong.

### **2.0 BACKGROUND**

The definitions concerning some of the terminology used within the scope of dignity at work have changed over the years. Most recently the Equality Act 2010 provided a legal definition of harassment but there is still no current legal definition of bullying. However, ACAS provides a definition which is widely recognised as being best practice.

### **3.0 LEGAL FRAMEWORK**

Harassment is the only term relating to this policy that is covered under legislation in the Equality Act 2010, however there are a number of legal principles contained in the following legal documents that will apply as follows:

- ✓ The Equality Act 2010 – protects the rights of individuals and advances equality of opportunity for all
- ✓ Work Protection Act 2023 – an amendment to the Equality act 2010 that aims to better protect employees from sexual harassment, prioritising prevention
- ✓ Public Interest Disclosure Act 1998 – provides protection to employees who have been victimised at work or they have lost their job due to a disclosure they raised
- ✓ Health and Safety at Work Act 1974 – sets out the framework for managing workplace health and safety in the UK

### **4.0 DEFINITIONS**

**Harassment:** unwanted conduct related to a relevant protected characteristic 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. The Association will extend this definition to include all, and will not be restricted to those identified as having a protected characteristic.

Harassment can occur where someone perceives another person to have a protected characteristic. Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic.

Examples of harassment could include but not limited to:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic.
- unwanted physical behaviour, for example, pushing or grabbing.
- excluding someone from a conversation or a social event or marginalising them from the group.
- unwelcome comments about someone's appearance or the way they dress that is or is not related to a protected characteristic.
- revealing someone's sexual orientation against their wishes or threatening to.
- consistently using the wrong names and pronouns following the transition of a person's gender identity.
- displaying images that are offensive.
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

**Sexual Harassment:** conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct

**Please refer to Appendix 1 – Sexual Harassment for specific information relation to sexual harassment.**

**Bullying:** Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful

Examples of bullying could include but not limited to:

- Spreading a false rumour

- Consistently giving heavier workloads to one particular individual in a team
- Unjustly cutting off or preventing someone from reasonably expressing their views in a meeting
- Regularly undermining the authority of any other employees.

**Protected Characteristics:** The legal grounds in which discrimination claims can be made. These include age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation.

**Victimisation:** Treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination, complained about the behaviour of someone harassing them or given evidence in someone else's discrimination complaint.

**Unacceptable behaviour:** A one-off act, if it is serious, can amount to bullying or harassment. All behaviours will be guided by and in line with the Association's Code of Conduct.

Examples of unacceptable behaviour could include but not limited to:

- derogatory comments, offensive language, remarks or jokes.
- spreading malicious rumours or insulting someone.
- insulting behaviours or gestures.
- displaying offensive or suggestive literature or remarks.
- intrusion by pestering, spying or stalking.
- embarrassing, threatening, humiliating, patronising or intimidating remarks.
- physical or verbal assault, such as shouting.
- undermining a person's self-esteem, for example by constantly making unfavourable comparisons with others or belittling their status.

Harassment, bullying, victimisation or unacceptable behaviours may be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online or on social media. These may occur at work or outside work.

It is not the intention of the perpetrator (the person accused of bullying or harassment) that decides whether bullying or harassment has taken place; instead, it depends on whether the behaviour is unacceptable by reasonable normal standards and is harmful or unwelcome to the person or people on the receiving end.

## **5.0 POLICY PRINCIPLES**

This Dignity at Work Policy aims to:

- ✓ Set out standards of behaviour expected for employees, governing body members, agency workers, contractors and consultants of the Association
- ✓ Ensure that employees, governing body members, agency workers, contractors and consultants are able to report any unacceptable behaviours, and relevant action is taken to resolve it
- ✓ Promote proactive and preventative measures to support positive and respectful working relationships
- ✓ Ensure integration of diversity into all aspects of the Associations business;
- ✓ Ensure that all employees, governing body members, agency workers, contractors, and consultants are treated with respect and dignity from each other, and members of the public;
- ✓ Set clear guidelines and standards regarding the treatment of employees by third parties
- ✓ Ensure that all employees, governing body members, agency workers, contractors, and consultants respect the differences within the community they serve and treat customers and members of the public accordingly;
- ✓ Provide a working environment where all backgrounds, cultures, values and lifestyles are respected and treated with dignity at all times.
- ✓ Provide a process for complaints to be properly managed

## **6.0 IMPLEMENTATION OF POLICY**

The Chief Executive is responsible for the implementation and review of this policy.

The Association will ensure that all new employees, governing body members, agency workers, contractors, and consultants will receive an induction on this policy. The policy will be integrated into all policies and procedures within the Association. Copies of this policy will be issued to all employees, governing body members, agency workers, contractors, and consultants, and will be available to all who request it.

This policy applies to all employees, governing body members, agency workers, contractors, and consultants of the Association and therefore all mentioned parties, all have a responsibility to abide by the principles outlined above and also alert their Departmental Director (or the Chief Executive) should any behaviours be witnessed which breached this policy.

Unacceptable behaviour and practices will not be tolerated. However, if or when a situation arises it will be dealt with immediately, as inaction is not an option. Behaviours found to be breaching this policy will be regarded as misconduct and will be dealt with appropriately and in accordance with the relevant policies, including code of conduct and disciplinary. Serious cases may be regarded as gross misconduct and may result in dismissal.

## **7.0 PROCEDURE IN DEALING WITH BREACHES OF DIGNITY & RESPECT**

This procedure is complemented by the Association's Equality & Human Rights policy and discipline & grievance procedures.

## Employees

Where an employee feels that they have been discriminated against, victimised or harassed by another employee, or not been treated with dignity & respect at work, there are a number of ways in which this can be addressed.

### a) Informal stage

Where possible, breaches of this policy should be dealt with informally in the first instance. In many cases inappropriate behaviours are unintentional and can easily be resolved once the behaviour has been highlighted. This is often the most efficient way to maintain positive working relations.

In managing the issue informally, employees should in the first instance alert their Departmental Director to the behaviour. Thereafter the employee should be encouraged by the Departmental Director and with their support approach the individual and highlight what behaviour has been offensive. Should the employee be uncomfortable with this then the Departmental Director should approach the individual and have the same discussion. A note should then be put on file of the person who has displayed the inappropriate behaviour and the individual that raised the issue.

### b) Formal Stage

If the behaviour is of a more serious nature or it continues after the informal approach has been taken then the issue should be dealt with by mirroring the Association's grievance procedure.

The employee must put their concerns in writing and give this to their Departmental Director. The Departmental Director should then arrange a meeting with the employee who has highlighted the concerns. At this meeting the Director should establish what the concerns are, and how the employee would like things resolved. The Director should then conduct any necessary investigations. No investigation should take place prior to there being a meeting with the employee. Once the investigation has been concluded, there could be a variety of outcomes including:

- ✓ There is no evidence to uphold the complaint
- ✓ There is evidence that may involve action against another employee which will be managed through the disciplinary procedures
- ✓ Learning is required on an organisational basis

Where action is taken regarding an employee, agency worker or consultant other than the person who raised the complaint, the complainant will not be informed of any action taken against other individuals.

## **8.0 GOVERNING BODY MEMBERS, CONTRACTORS OR MEMBERS OF THE PUBLIC**

Where a governing body member, contractor or member of the public feel that behaviours towards them have breached the principles of this policy, they have a responsibility to inform the Chief Executive (or Chairperson) of this as soon as

reasonably practical. The complaint will be investigated appropriately and dealt with in accordance with the relevant policies and procedures.

## **9.0 SUPPORT FOR THOSE AFFECTED OR INVOLVED**

The Association understands that anyone affected by, or involved with, a complaint relating to a breach of this policy may feel anxious or upset and we will do what we can to support you.

Employees can self-refer to Time for Talking, the Association's employee assistance programme/counselling service, details of which are available on the staff notice board.

## **10.0 MALICIOUS ALLEGATIONS**

Anyone found to be making fictitious or malicious allegations will be dealt with through the Association's disciplinary procedure which may result in dismissal.

## **11.0 GENERAL DATA PROTECTION REGULATIONS**

The Association will treat your personal data in line with our obligations under the current data protection regulations and our own data protection policies.

Information regarding how your data will be used and the basis for processing your data is provided in the Association's Fair Processing Notices and Privacy Notices.

## **12.0 REVIEW**

This policy will be reviewed at least every 5 years and in line with legislative updates.

Anne Smith  
Chief Executive

**5<sup>th</sup> November 2024**

### **Policy Review Consultation Process**

Considered by SMT	7 <sup>th</sup> November 2024
Recommended by HSEHR Committee	5 <sup>th</sup> December 2024
<b>APPROVED BY THE BOARD OF MANAGEMENT COMMITTEE</b>	30 <sup>th</sup> January 2025
Date of Next Review	<b>September 2029</b>

# Appendix 1

## Sexual Harassment

### Introduction

The Association is committed to providing a positive experience whilst at work for all our employees, governing body members, agency workers, contractors and consultants which includes a zero-tolerance approach to sexual harassment.

This appendix sets out the Association's expectations of behaviour by employees, governing body members, agency workers, contractors and consultants and provides information on how we will deal with complaints of sexual harassment.

### Definitions

The Equality Act 2010 defines sexual harassment as 'conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment'. Sexual Harassment is unlawful under the Equality Act 2010. It is also unlawful to treat someone less favourably because they have submitted a complaint of sexual harassment or have rejected such a behaviour.

Sexual harassment includes a wide range of behaviours including but not limited to:

- Making sexual remarks about a colleague's body, clothing or appearance
- Suggestive looks, staring, or leering.
- Propositions and sexual advances
- Sexual gestures
- Emailing, texting or messaging sexual content.
- Unwelcome touching, hugging, massaging or kissing
- Sexual comments or offensive jokes
- Making sexual comments or jokes about someone's sexual orientation or gender reassignment
- Displaying or sharing sexually graphic images, or other sexual content
- Criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications

Sexual harassment can be a singular event or something that is an ongoing pattern of behaviour. Sexual harassment may be physical, verbal or non-verbal conduct. It can occur face to face or can be done by email, phone calls, online and on social media. Sexual harassment may occur at work or outside work.

Sexual conduct that has been welcomed previously can become unwanted - the person in receipt of the behaviour decides whether it is unwanted. An individual can

experience sexual harassment from someone of the same or different sex.

Sexual interactions that are invited, mutual and consensual are not considered as sexual harassment.

### **Behaviour expectations**

The Association expects everyone to follow the expectations as set out within the Code of Conduct. Any sexual harassment by employees towards others in connection with work will be considered under the disciplinary/grievance procedures and action taken under this policy can include up to and including dismissal. Sexual harassment may constitute gross misconduct and may result in dismissal.

### **Preventative Duties**

The Worker Protect Act (Amendment Equality Act 2010) requires employers to take reasonable steps to prevent sexual harassment. The Association has taken preventative steps to ensure a workplace free from any sexual harassment. In addition to this policy, a risk assessment has been completed to assess the risks and preventative steps include:

- **Engaging with employees** – 1:1 meetings, staff surveys, exit interviews
- **Training & Development** – specific training for each group based on risk,
- **Dealing with complaints/grievances** – everyone to be made aware of the process, and the confidentiality and sensitivity of such complaints
- **Third party complaints** – clear complaints and appeals process
- **Reporting** – effective reporting procedure for incidents, anonymous complaints process,
- **Monitoring and evaluating policy and complaints** – learning from incidents, reviewing policy regularly, reviewing trends on complaints and taking action to rectify cultural concerns.

### **Reporting procedure & dealing with all sexual harassment complaints**

Allegations should always be taken seriously, and action taken as quickly as possible to stop any further inappropriate behaviour. Where possible, breaches of this policy should be dealt with informally in the first instance. Dependant on the serious nature of some complaints together with the risk to the safety of the complainant and others, the Association may need to take formal action immediately.

### **Informal stage**

In managing the issue informally employees should:

1. In the first instance alert the Departmental Director to the behaviour.



2. Thereafter the employee should be encouraged by the Departmental Director, and with their support approach the individual and highlight what behaviour has been offensive. Should the employee be uncomfortable with this then the Departmental Director should approach the individual and have the same discussion.
3. A note should then be put on file of the person who has displayed the inappropriate behaviour and the individual that raised the issue.

### **Formal Stage**

If the behaviour is of a more serious nature or it continues after the informal approach has been taken, then the issue should be dealt with by mirroring the Association's grievance procedure.

1. The employee must put their concerns in writing and give this to their Departmental Director.
2. The Departmental Director should then arrange a meeting with the employee who has highlighted the concerns. At this meeting the Director should establish what the concerns are, and how the employee would like things resolved.
3. The Director should then conduct any necessary investigations. No investigation should take place prior to there being a meeting with the employee.
4. Once the investigation has been concluded, there could be a variety of outcomes including:
  - There is no evidence to uphold the complaint
  - There is evidence that may involve action against another employee which will be managed through the Association's disciplinary procedure.
  - Learning is identified on an organisational basis

Where action is required against another employee, agency worker or consultant this will follow the organisation's disciplinary procedures. Where action is taken regarding a member of staff other than the person who raised the complaint, the complainant will not be informed of any action taken against other individuals.

### **Anonymous complaint**

The Association may receive anonymous allegations of sexual harassment through the Whistleblowing Policy. While we recognise that it can be difficult to investigate such complaints, the Association will conduct as thorough an investigation as possible, given the information available. This will always include informing the accused person that a complaint has been received about them.

### **Third Party Sexual Harassment**

The Association will also take reasonable steps to prevent any sexual harassment by third parties, as required by the Worker Protection Act 2023. A third party can be a customer, consultant, contractor or visitor.

Employees, board members, agency workers, contractors and consultants are encouraged to report any sexual harassment, which may involve a third party. The Association will follow a similar process as detailed within 'Reporting Procedure for dealing with all Sexual harassment complaints' section.

When a complaint is received The Association will ensure that steps are taken to protect the individual raising the complaint. The Association will take steps to remedy a complaint and action to prevent this from happening again.

Examples of action The Association may take, but not limited to are:

- Warning a customer about their behaviour
- Restricting contact with the customer
- Reporting any criminal acts to the police
- Sharing information with other part of the business.

### **Support for those affected or involved**

The Association understands that anyone affected by, or involved with, a complaint relating to sexual harassment, or a breach of this policy may feel anxious or upset and we will do what we can to support you during this period.

Employees can self-refer to Time for Talking, the Association's employee assistance programme/counselling service, details of which are available on the staff notice board.

### **Witness to unwanted conduct of sexual nature**

Tackling sexual harassment is everybody's responsibility. You do not have to be the recipient or target of sexual harassment to raise a concern or make a complaint. If you see it happening or become aware of it, you should report it in line with '*Reporting procedure & dealing with all Sexual harassment complaints*' if you feel able to do so. Your actions can be important in helping create a culture free from sexual harassment.

### **Individuals found to be in breach of the principles of this policy**

Where individuals are found to be in breach of this policy whether that be employees, agency worker and consultants this will be dealt with in accordance with the Association's Code of Conduct, Disciplinary procedures, grievance procedures or other relevant policies. This may result in disciplinary action up to and including dismissal.

### **General Data Protection Regulations**

The Association will treat your personal data in line with our obligations under the current data protection regulations and our own policies. Information regarding how your data will be used and the basis for processing your data is provided in the Association's Worker Privacy Notice.

Approved