



Dignity at Work Policy

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1. Introduction

The ng group is committed to providing a working environment which is free from harassment, sexual harassment, bullying, intimidation, discrimination and victimisation of any nature. Every employee, Board member, agency worker, contractor, and consultant of the ng group has a responsibility to treat all colleagues with dignity and respect, regardless of any personal characteristic. Under legislation there are certain characteristics protected in respect of harassment, the organisation will acknowledge these and will also extend this protection to all within the ng group. The terms bullying and harassment will be used throughout this policy to mean dignity at work.

2. 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 (see below) which is widely recognised as being best practice.

3. 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 legislation that will apply:

- Worker Protection Act 2023 – An amendment of the Equality Act 2010 aims to better protect employees from sexual harassment, prioritising prevention
- The Equality Act 2010
- Breach of contract - usually breach of the implied term that an employer will provide support to employees to ensure that they can carry out their job without harassment and disruption from colleagues
- The common law position to take care of the safety of workers.
- Public Interest Disclosure Act 1998
- Employment Rights Act 1996 – constructive and unfair dismissal
- Personal Injury protection including the duty to take care of workers arising out of the law of Tort
- Health & Safety at Work Act 1974
- Trade Union and Labour Relations (consolidation) Act 1992 dealing with specific types of intimidation
- Protection for Whistleblowers under the Public Interest Disclosure Act 1998
- Criminal Justice and Public Order Act 1994

4. Definitions

Harassment: unwanted conduct related to a 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 ng group will extend this definition to include all people 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

Sexual Harassment: conduct of a sexual nature that has the purposes 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 the group's Prevention of Sexual Harassment at Work Policy for specific information related 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

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 our Codes 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 of 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 standards and is harmful or unwelcome to the person or people on the receiving end.

Protected Characteristics: The legal grounds under which discrimination claims can be made; i.e. age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation.

5. Policy Principles

This Dignity at Work Policy aims to:

- Set out standards of behaviour expected for employees, Board members, agency workers, contractors and consultants of the ng group
- Ensure that employees, Board members, agency workers, contractors and consultants are able to report any unacceptable behaviours, and that relevant action is taken to resolve it
- Promote proactive and preventative measures to support positive and respectful working relationships
- Ensure the integration of diversity into all aspects of ng group business
- Ensure that all employees, Board 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 treatment of employees by third parties
- Ensure that all employees, Board 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. Policy Implementation

The Director of Corporate Services is responsible for the implementation and review of this policy. The organisation will ensure that all new employees, Board members, agency workers, contractors, and consultants will be made aware of this policy and it will be included as part of the induction for new staff and Committee Members.

Copies of this policy will be available to all employees, Board members, agency workers, contractors, and consultants, and to all who request it. The spirit of this policy will be integrated into all policies and procedures within the ng group.

This policy applies to all employees, Board members, agency workers, contractors, and consultants of the ng group and therefore all mentioned parties, have a responsibility to abide by the principles outlined above and also to alert their line manager or Human Resources should any behaviours be witnessed which breach 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 and procedures including the code of conduct for staff

and the relevant disciplinary procedures. Serious cases may be regarded as gross misconduct and may result in dismissal.

7. Roles and Responsibilities

Organisational

The ng group is committed to providing a safe and respectful workplace and promoting a working environment based on dignity and trust, and one that is free from discrimination, harassment, bullying or victimisation. We therefore adopt a zero-tolerance approach too instances of bullying or harassment.

We are committed to taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment, of our employees, Board members, agency workers, contractors and consultants.

Employees, Board members, Agency Workers Contractors and Consultants

All employees, Board members, agency workers contractors and consultants have a personal responsibility to act in line, observe and uphold this policy and follow our Code of Conduct. All employees, Board members, agency workers, contractors and consultants also have the responsibility to participate in any relevant mandatory training.

Managers

Anyone responsible for leading, managing or supervising people have additional responsibilities to ensure:

- They understand their own and the organisation responsibilities
- They are familiar with the content of the Dignity at Work Policy and communicate to the relevant people
- Role model behaviours expected and encourage a positive workplace culture
- Challenge unacceptable or questionable behaviour they become aware of
- Ensure any breaches or complaints relating to this policy are responded to quickly, sensitively, confidentially and are investigated in line with this policy.

8. Procedure in Dealing with breaches of Dignity and Respect

This procedure is complemented by our Equality and Diversity Policy, Prevention of Sexual Harassment at Work Policy and the relevant Discipline and Grievance procedures.

Staff

Where an employee feels that they have not been treated with dignity and 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 line manager to the behaviour, thereafter the employee should be encouraged and supported by the line manager to approach the individual and highlight what behaviour has been unwanted or offensive. Should the employee be uncomfortable with this then the line manager should approach the individual and have the same discussion. A note should then be put on the

personal file of the person who has displayed the inappropriate behaviour and the individual who raised the issue.

Mediation

Mediation is a process of conflict resolution between two individual employees facilitated by a suitable manager or some circumstances an independent trained mediator. The purpose of mediation is to allow the individuals concerned an opportunity to explore issues of conflict with the aim of reaching a mutually agreeable solution. It can be used at any stage in the Dignity at Work process.

If an employee elects to undertake the mediation process, this does not stop them from progressing their complaint more formally if the matter remains unresolved i.e. the unacceptable conduct is continuing.

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 our grievance procedures.

The employee must put their concerns in writing and give this to their line manager. The line manager should then arrange a meeting with the employee who has highlighted the concerns. At this meeting the manager should establish what the concerns are and how the employee would like things resolved. The manager 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 a member of staff
- Action is required on an organisation-wide basis

Where action is required against a staff member 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.

Support for those affected or involved

We understand 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. Employee counselling services can be accessed via Simplyhealth on 0800 975 3347.

Complaints raised by or against Board Members, Agency Workers, Contractors, Consultants, and members of the public

Where a Board/Committee member, agency worker, contractor, consultant and/or members of the public feel that behaviours towards them have breached the principles of this policy, they have a responsibility to inform the Chief Executive of this as soon as reasonably practical. The complaint will be investigated appropriately and dealt with in accordance with the relevant policies and procedures. Likewise, should a complaint be raised against any of the above groups the principles of this policy will be followed.

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 staff, Board/Committee Members, agency workers, contractors, and/or consultants this will be dealt with in accordance with the organisation's relevant code of conduct and other applicable policies. This may therefore result in termination of the individual's contract, or engagement within ng group.

Malicious Allegations

Any person found to be making fictitious or malicious allegations will be dealt with through group disciplinary procedures which may result in dismissal.

9. Other Related Policies/Procedures

- Equality and Diversity
- Racial Harassment
- Prevention of Sexual Harassment at Work
- Staff Code of Conduct
- Board members Code of Conduct
- Discipline and Grievance
- Terms and Conditions of Employment

10. UK General Data Protection Regulation 2021

The group will treat your personal data in line with our obligations under the UK General Data Protection Regulation 2021 (UK GDPR) and our own Data Protection Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notice.

11. Policy Review

This policy will be reviewed every three years or earlier in line with regulatory or legislative guidance / changes or good practice guidelines.

12. Equality Impact Assessment

This policy is equally applicable to all and has no detrimental impact on protected characteristic groups as specified within the Equality Act 2010.