

GREATERSPORT

DIGNITY AT WORK POLICY

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DIGNITY AT WORK POLICY

1. Introduction

- 1.1 GreaterSport is opposed to all forms of unlawful discrimination and harassment and wants to create and maintain a workplace where all employees are treated with dignity and respect and is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.
- 1.2 This policy covers harassment or bullying which occurs at work and out of the workplace. This could be in or out of the office environment, during work time or at work-related events or social functions.
- 1.3 All such complaints should be treated seriously and dealt with in a timely, comprehensive, effective and fair way. The main aim of this policy is to resolve complaints of discrimination or harassment, so that the behaviour stops.
- 1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Scope of the policy

- 2.1 This policy covers all employees of GreaterSport.
- 2.2 Any employee may use this policy if they believe they have:
- Been subjected to any form of harassment or bullying at work.
 - Witnessed the harassment or bullying of a colleague.
 - Been subjected to discrimination (being treated unfairly because of a protected characteristic – see Section 3).
 - Being subject to victimisation.
- 2.3 Employees who, in good faith, raise a genuine complaint under this policy will not receive unfair treatment or victimisation because they have made a complaint.
- 2.4 All employees have responsibility:
- For their own behaviour and actions in fostering an environment which supports dignity at work for all;
 - To familiarise themselves with this policy and attend appropriate training within GreaterSport; and
 - To bring to the attention of their immediate manager, a member of Executive Team, or, if this approach is not felt appropriate, the staff Welfare Lead any unwanted behaviour or conduct that they may experience (either directly or indirectly) or witness in relation to another employee.
- 2.5 Managers have additional responsibility to:

- Uphold the GreaterSport values and behaviours (see <https://www.greatersport.co.uk/about-us>) in order to promote and maintain an environment supportive of dignity at work for all;
- Provide feedback to employees directly and in a confidential manner; disseminate this policy to their employees;
- Support their employees to attend relevant training (in line with the Learning & Development Plan)
- Take any concerns raised in relation to this policy seriously and act accordingly in adherence to this policy and their training; and
- Be alive to concerns that are raised subtly within their team and proactively try to address them informally if appropriate.

2.6 The Executive Team has overall responsibility for the implementation of the policy. The Business Operations Manager has responsibility for ensuring that the policy is visible, up to date and regularly reviewed.

3. Equality, diversity and inclusion considerations

- 3.1. Managers are responsible for ensuring that they operate the policy in line with GreaterSport's Equality and Diversity and Inclusion principles and the Equality Act 2010. All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to act when behaviour falls below its requirements.
- 3.2. GreaterSport is committed to ensuring that no-one is discriminated against, disadvantaged or given preference, through membership of any particular group, however with specific regard given to the protected characteristics of: age; disability; gender reassignment; race; religion or belief; sex; sexual orientation; marriage and civil partnership, and pregnancy and maternity. This policy will be applied fairly to all employees irrespective of their background or membership of a particular group. Where an employee has a disability, reasonable adjustments should be considered as appropriate.

4. What is harassment and bullying and victimisation?

4.1 Harassment and Bullying

The Equality Act 2010 defines harassment as "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".

Harassment can be any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an

intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

Harassment is unacceptable even if it does not fall within any of these categories.

Bullying is not specifically defined in law but may be characterised as offensive, intimidating, involving the misuse of power that can make an individual feel vulnerable, upset, humiliated, undermined or threatened.

GreaterSport consider that bullying can be, for example, offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may also include, by way of example:

- a. Physical or psychological threats.
- b. Overbearing and intimidating levels of supervision.
- c. Inappropriate derogatory remarks about someone's performance.
- d. Conduct that denigrates, ridicules or humiliates an individual (especially in front of colleagues).

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying.

This policy is equally applicable to behaviour or conduct which an individual feels is unwanted or unfair, even if they do not wish for it to be considered as bullying and/or harassment, discrimination or victimisation.

Examples of harassment and bullying

Harassment and bullying may be against one or more people and may involve single or repeated incidents ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone.

Examples include:

- Unwanted physical contact or "horseplay", including touching, pinching, pushing and grabbing.

- Unwelcome remarks about a person's age, dress, appearance, race or marital status, jokes at personal expense, offensive language, gossip.
- Isolation or non-cooperation and exclusion from social activities.
- Graffiti, obscene gestures.
- Coercion for sexual favours, suggestions that sexual favours may result in career advancement or other employment benefit.
- Pressure to participate in political/religious groups.
- Personal intrusion from pestering, spying and stalking.
- Shouting at colleagues in public or in private.
- Setting impossible deadlines.
- Unwarranted criticism.
- Personal insults.
- Overbearing supervision or an abuse or other misuse of power or position.
- Deliberately undermining an employee by overloading and/or constantly criticising them.
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome.
- Sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet).
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless).
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender.
- Outing or threatening to out someone's sexuality (for example, as being gay or lesbian).
- Offensive e-mails, text messages or social media content; or
- Mocking, mimicking or belittling a person's disability.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment. Bullying and harassment is not necessarily face to face. It can also occur in written communications, phone, e-mail and on social networking sites.

4.2 Victimisation

Victimisation is a form of harassment. Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

5. Formal and Informal action

If an employee believes that they have been the victim of discriminatory treatment or harassment, or have witnessed discrimination or harassment, they may choose to take either informal or formal action. Where it is possible and appropriate to do so we would expect an employee to try to resolve any issues informally in the first instance.

5.1 Informal action

5.1.1 Where possible, the employee should talk directly to the person who they believe is treating them inappropriately clearly explaining their objection to the other employee's actions or conduct. In the case of harassment, the employee should explain clearly what aspect of their colleague's behaviour is unacceptable, or is causing offence, and request that it should stop. It may be that the person is genuinely unaware that their behaviour is unwelcome or causing offence.

5.1.2 If the employee does not feel able to deal with this on their own, they may choose to speak, for example, to their Line Manager, a colleague, Mental Health First Aider, Trade Union representative, Strategic Director – People & Operations, or, if this approach is not felt appropriate, the Board member responsible for Welfare.

5.1.3 The employee should keep a personal record of the events, the discussion with the other person and the change in behaviour requested.

5.1.4 Research has shown that most complaints can be resolved informally and mediation at this stage may be appropriate. However, in situations where the matter remains unresolved due to non-acceptance of the allegation made, or because the behaviour continues, then the formal action process should be followed.

5.2 Formal action

5.2.1 Formal action may be necessary when:

- Informal approaches are not accepted and fail to resolve the problem.
- There has been repeated harassment following informal action.
- Informal action is not appropriate because the alleged nature of the behaviour is so serious. It may be appropriate, depending on the nature and seriousness of the allegations, to suspend the alleged harasser whilst a thorough investigation is carried out.

Where formal action is necessary the following process should be followed.

5.2.2 Stage 1 - Formal

The employee should submit their complaint to their immediate Line Manager. Where the complaint is against the Line Manager the matter should be raised with the Strategic Director – People & Operations, or, if this approach is not felt appropriate, the Board member responsible for Welfare.

The employee must put their complaint in writing using the confidential form attached at Appendix 1 (DAW1 form).

Initial remedial action may, wherever possible and appropriate, focus on enabling working relationships to continue in a positive and acceptable environment. All complaints will be taken seriously and action appropriate to the circumstances, and established facts of a complaint, will be taken.

Upon receipt of the complaint the manager (or to whomever the complaint has been made) should:-

- Arrange for a meeting with the employee within 7 working days, where possible, to discuss their complaint. Inform the employee of their right to be accompanied at the meeting. The Business Operations Manager should be invited to the meeting as an independent note-taker to ensure a fair and accurate summary of the discussion and outcome of the meeting.
- Inform the alleged harasser of the complaints against them and invite them to a meeting so that they can respond to the allegations. Inform them that they may be accompanied at the meeting.
- Consideration given to whether suspension is appropriate (see section above). Any such decision must be made in consultation with the Strategic Director – People & Operations.
- Take statements from any witnesses, and if a meeting is appropriate, inform them that they may be accompanied.
- Keep the employee and the alleged harasser informed of expected timescales.

Following the investigation, the manager should confirm the decision in writing, to both employees. The response should be provided within 7 working days of the end of the investigation, where possible. If it is not possible to respond within this time the employee should be given an explanation for the delay and told when a response can be expected.

The employee who made the complaint should be notified of their right of appeal.

5.2.3 Stage 2 – Appeal

Any appeal should be made in writing, within 14 calendar days of receipt of the written outcome of stage 1. The paperwork from the Stage 1 process will be

used at this stage of the process. The employee should outline in full the grounds upon which they are making their appeal.

A member of the Executive Team will hear the appeal. The appeal will be held, where possible, within 14 calendar days, of receiving written notification that the employee is appealing.

The CEO will make the final decision regarding the outcome of the appeal. The outcome of the appeal will be confirmed in writing to the employee within 7 working days. If it is not possible to respond within this time frame the employee should be given an explanation and told when a response can be expected.

In the case of a member of the Executive Team making an appeal then the Senior Independent Director will hear the appeal. The Chair will make the final decision regarding the outcome of the appeal.

The decision at Stage 2 is final and there is no further right of appeal.

5.2.4 Right to representation

At all formal stages of the process, employees have a right to be accompanied by a companion who is either.

- a fellow employee
- a recognised trade union representative

6. Possible outcomes

Following the investigation, the facts will be considered to decide whether to:

- Take no action if it is decided that there is no basis for the allegations.
- Use GreaterSport's Disciplinary Process. Where this is an outcome then there will be no need to undertake any further investigation prior to progressing to the formal stage of the Disciplinary Procedure.
- Take other management action, this could include:
 - Putting in place arrangements to monitor the situation.
 - Required attendance on training courses.
 - Recommending that the parties undergo mediation in order to improve their working relationship
 - An apology and/or recommendation in relation to future conduct.

7. Malicious Allegations

GreaterSport has a duty of care to employees, so if an allegation of harassment is made then it will be taken seriously, and the appropriate steps will be taken. If, however, it is found that allegations have been made maliciously and not in

good faith, disciplinary action (in line with GreaterSport's Disciplinary Policy) will be taken against the employee making the allegations.

8. Time Limits

Employees are encouraged to make complaints of harassment and bullying as soon as possible after the incident/s occur. Individuals must raise a complaint within three months of the latest incident. Complaints which are not raised within this timeframe are unlikely to be heard.

9. Records

Records should be kept detailing the nature of the allegation of discrimination or harassment, GreaterSport's response, any actions taken, the reasons for them and the outcome. Details of these should be retained on file by the Business Operations Manager who will ensure the records are held in accordance with the General Data Protection Regulations. The Business Operations Manager will ensure records of these are kept for monitoring purposes.

10. Review

This policy will be reviewed annually, in order that it remains appropriate to the GreaterSport's operation, is best practice and meets legal requirements.

11. Confidentiality and record-keeping

Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure. Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

12. Protection and support for those involved

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under GreaterSport's Disciplinary Procedure. If someone believes they have suffered any such treatment they, should inform their immediate manager, a member of Exec Team, or, if this approach is not felt appropriate, the board welfare lead.

If the matter is not remedied they should raise it formally using GreaterSport's Grievance Procedure or this procedure if appropriate. GreaterSport offer access to confidential counselling, for anyone affected by, or accused of, bullying or harassment. This is through GreaterSport's health policy. Anyone experiencing bullying and harassment will be additionally signposted to, and supported by, the GreaterSport Mental Wellbeing Policy.

13. Questions

Questions about this policy and requests for training (or support to go through the stages) or information on dealing with bullying or harassment should be directed to a member of the Executive Team or the Business Operations Manager. Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting Business Operations Manager or a member of the Executive Team.

Appendix 1

DAW1 - Formal Dignity at Work Complaint Form

Employee name	
Job title	
Line manager	
Date of event	
Summary of complaint	
Details of any witnesses	
Other supporting evidence:	

Details of informal steps taken to resolve the complaint (include dates).
Details should include why it is felt that the issue has not been resolved informally:

What resolution are you seeking?

Do you wish to be accompanied at a formal meeting by a work colleague, certified Trade Union representative or a Trade Union official?

Yes/No	
Name of work colleague or representative	
Signed	
Date	

Appendix 2

Dignity at Work Monitoring Form

This form is to record complaints of harassment and bullying without identifying individuals. It must be completed by managers to record all complaints of harassment and bullying received, whether dealt with formally or informally.

Monitoring complaints is an important part of the Dignity at Work Policy. It enables senior managers to monitor the nature and pattern of cases of harassment and bullying of employees, and the action taken. In addition, it enables senior managers to monitor across the whole organisation.

Team:

Manager's Name:

Date & Type of Bullying/Harassment Alleged: (please tick as many as relevant)

Age

Disability

Gender

Race

Religion / Belief

Sexual Orientation

General Bullying

Other – please specify

Equalities Data

Complainant: Ethnic Origin: _____ Disabled: YES / NO

Respondent: Ethnic Origin: _____ Disabled: YES / NO

Nature of Alleged Bullying/Harassment: (please circle relevant ones)

E.g. Abuse / jokes / graffiti / unnecessary touching / sexual demands / excluding colleagues from workplace activities / offensive manner / unwanted personal comments / persistent discrimination / other. If "other" is circled, please briefly describe:

Having received the complaint, what management action was taken?

(Please complete all relevant sections below)

- Informal action to stop the bullying/harassment YES / NO

If "YES", please briefly describe the action taken to stop the bullying/harassment:

- Was there an investigation? YES / NO

If "YES", did the investigation find the complaint substantiated? YES / NO

If not substantiated, what did the investigation find?

- Was the Disciplinary Policy used? YES / NO

If "YES", what was the outcome?

Please return this form to Business Operations Manager