

Dignity at Work Policy, NI

Agreed by Extern Board: November 2022

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Review History

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1	August 2022		Lynsey Quirk

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Nominated Manager	Jonathan Carroll, Director of People and Organisational Development

1.0 Introduction

EXTERN will promote a harmonious working environment in which our employees will be treated with dignity and respect at all times. EXTERN will not condone or accept any form of harassment, bullying, discrimination or victimisation in the workplace. All complaints and incidents of harassment, bullying, discrimination or victimisation will be managed in line with the Grievance policy and the Disciplinary policy, as appropriate. This policy should be read in conjunction with EXTERN's Equal Opportunities, Disciplinary and Grievance policies.

In this context, workers includes employees, relief/bank staff, agency staff, contractors, Board members, consultants, students and volunteers.

All individuals have the right to a fair hearing by an independent manager or panel.

Harassment, bullying and victimisation may constitute discrimination and as such are unlawful under employment law. Harassment, bullying and victimisation may also be a civil offence, a criminal offence and may contravene health and safety legislation. Making a complaint under this policy will not affect an employee's statutory rights.

An act of harassment, bullying, victimisation and discrimination may be investigated although it has occurred outside the work premises or normal working hours provided the accused was acting in the course of employment, for example, at a training course, conference or work-related social event.

2.0 Aim of the Dignity at Work Policy

The aim of this Policy is to ensure dignity at work is maintained and to inform workers of the types of behaviour which are deemed unacceptable. This policy sets out the organisation's zero tolerance position in relation to bullying, harassment, discrimination and victimisation, whilst the grievance policy details the process to take if anyone feels that their dignity at work has been adversely impacted by any of the above.

3.0 Training

Prior to engaging in a formal process, all managers (at Grade 5 or above) must receive the appropriate training to ensure compliance with, and the effective implementation of, this policy and must be confident on how to conduct investigations and hearings. The HR Department are available to provide support, guidance and assistance to Line Managers throughout any stage of the process.

All staff will be provided with training on equality, dignity at work and diversity.

All new employees will be made aware of the existence of the Dignity at Work Policy upon commencement of employment and will be sent a copy of the policy as part of their new employee pack. This policy will form part of the standard induction procedure.

4.0 **Confidentiality**

Complaints by workers or other persons in the workplace of harassment, bullying, discrimination or victimisation at work will be treated with fairness, sensitivity, respect and (as far as possible) confidentiality for all parties concerned.

Any person accused of harassment, bullying, discrimination or victimisation will be afforded natural justice and treated with fairness and sensitivity.

Anonymous allegations will not be accepted as this is contrary to the rules of natural justice.

5.0 **Definitions**

The intention(s) of those accused of harassment, bullying, discrimination or victimisation is irrelevant it is the effect of the behaviour on the worker that is relevant. The fact that the accused has no intention of harassing, bullying, discriminating or victimising is no defence.

Actions taken which can be justified as regards to the safety, health and welfare of workers do not amount to harassment, bullying, discrimination or victimisation.

The reasonable and essential discipline and/or fair and constructive criticism arising from the management of the performance/conduct of a worker at work does not amount to harassment, bullying, discrimination or victimisation.

5.1 **Protected Characteristics**

Under employment Legislation in Northern Ireland, it is unlawful for an individual to be treated unfairly or discriminated against based on a number of Protected Characteristics. These are listed below;

Sex	Pregnancy or maternity	Gender reassignment/affirmation
Marital or Civil partnership status	Religious or similar philosophical belief	Political Opinion
Racial group	Sexual orientation	Disability
	Age	

5.2 **Harassment**

Harassment is unwanted, unreasonable and offensive conduct which damages, or which is done with the aim of damaging, a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for a person(s). Harassment may be targeted at one person or a group of people. Harassment may consist of a single incident or repeated inappropriate behaviour.

Many forms of behaviour, including gestures or the display/circulation of words, pictures or other material, may constitute harassment. The following is a non-exhaustive list of examples of types of behaviour that constitute harassment:

- Verbal harassment – jokes, comments, ridicule or songs;
- Written harassment – including text messages, emails, notices or social media;
- Physical harassment – jostling, shoving or any form of assault;
- Visual displays such as posters, emblems or badges;
- Excessive monitoring of work, unreasonable change to a person's job content or targets;

5.3 Bullying

Bullying is defined as repeated inappropriate behaviour which can be direct or indirect, verbal or physical conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. Many forms of behaviour/conduct can constitute bullying, the following are examples but are not an exhaustive list:

- Verbal abuse, name calling, shouting/swearing in public/private, use of obscene language, spreading rumours, humiliating an individual in front of their colleagues;
- Dispensing unfair punishment out of the blue, applying blame for things beyond the person's control, being marginalised or excluded with negative consequences;
- Conduct which is intimidating, physically abusive or threatening;
- Victimisation, where a person is repeatedly treated less favourably than another;
- Consistently undermining someone and their ability to do their job, belittling efforts;
- Repeatedly manipulating a person's job content, setting unrealistic deadlines/targets, unrealistic workloads, excessive monitoring of work, being inappropriately overruled;

An isolated incident of the type of behaviour contemplated by this definition may be an affront to dignity but as a one off incident, it is not considered to be bullying, however can be raised as set out in this policy.

5.4 Discrimination

Discrimination can be defined as less favourable or unfair treatment on the grounds of a protected characteristic, as set out in 5.1 above.

Discrimination can be direct or indirect. Indirect discrimination is where a condition or requirement is applied equally but which has a disproportionate impact on a particular group as referred to in 5.1 above. Direct discrimination is the application of a condition or requirement which will knowingly have a disproportionate impact.

5.5 Victimisation

Victimisation is defined as treating someone less favourably because of action they have taken under or in connection with legislation for example if someone has made a formal complaint or gives evidence in a third party case.

6.0 The Effects of Harassment, Bullying, Discrimination and Victimisation

Harassment, bullying, discrimination and victimisation can lead to a range of responses from the recipient(s) such as:

- Feelings of humiliation, distress or anger
- Fatigue, stress, anxiety, depression, loss of confidence
- Increased absenteeism, dread of Work
- Deterioration of productivity

In the workplace, harassment, bullying, discrimination and victimisation can lead to:

- Loss of experienced employees/high recruitment costs
- Reduced organisational effectiveness and performance
- Poor services/Poor morale
- Loss of reputation

7.0 Roles and Responsibilities

All workers at all levels within the organisation have a responsibility to create and contribute to the maintenance of a work environment free from harassment, bullying, discrimination and victimisation.

7.1 EXTERN's Responsibilities

EXTERN recognises its duty of care towards all workers and those who may experience unwanted, unreasonable and offensive conduct/behaviour directly and/or indirectly, as well as those who witness it. Adequate resources will be made available to promote dignity in the workplace and to deal effectively and confidentially with complaints under this policy.

EXTERN will make every effort to ensure that workers complaints are dealt with appropriately and in good faith and others who give evidence or information in connection with a complaint will not be victimised. All complaints of harassment, bullying, victimisation and discrimination will be dealt with promptly, seriously and confidentially (as far as possible) in line with the Grievance policy.

7.2 Workers (For definition of workers, please see section 1.0 Introduction)

All workers have a responsibility to help ensure that the working environment is one in which the dignity of all is respected. Workers should ensure that their behaviour/conduct does not cause offence and could not in any way be considered to be harassment, bullying, victimisation or discrimination.

Workers should discourage harassment, bullying, victimisation and discrimination by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint.

Workers should alert a manager or supervisor of any incident of harassment, bullying, victimisation and discrimination to enable the organisation to deal with the matter. Workers also have an obligation to cooperate with the investigation of complaints of harassment, bullying, discrimination and victimisation in the organisation.

7.3 Managers (Workers with management responsibility)

In addition to their responsibility as a Worker, Managers have a particular responsibility for implementing this policy. In their capacity as a line manager they have responsibility to make every effort to ensure harassment, bullying, discrimination or victimisation does not occur, particularly in work areas for which they are responsible. Managers have an obligation to deal promptly and effectively with any incidents of harassment, bullying, discrimination and victimisation of which they are aware or ought to be aware.

It is the organisation's expectation that Managers who witness any incidents of unacceptable behaviour will challenge the accused and seek to eliminate any such behaviour from within a team or workplace. Managers should:

- Explain the organisation's policy on Dignity at Work and ensure workers are aware of the procedure for dealing with complaints.
- Encourage staff to approach HR in confidence when appropriate.
- Be responsive and supportive to any workers who make an allegation under this policy.
- Set a good example by treating everyone with dignity and respect.
- Be alert to unacceptable behaviour and take immediate appropriate action.

It will be a management responsibility to ensure that following a complaint that no subsequent harassment, bullying, discrimination and/or victimisation occurs and that the parties involved are made fully aware of EXTERN's Dignity at Work and Equal Opportunities policies and the law relating to such matters.

Persistent or serious failure on the part of a Manager to implement the Dignity at Work Policy may lead to disciplinary proceedings.

7.4 Dignity At Work Champion

Dignity At Work Champions will be trained and appointed by EXTERN to provide guidance, support and advice to those who have been subjected to, or accused of, offensive behaviour as defined in this Policy. The HR Department will hold up-to-date lists of Dignity At Work Champions that can be supplied on request. The contact list will also be available from the staff intranet.

Dignity At Work Champions are not conflict resolution experts, they are not permitted to submit complaints on behalf of anyone, to conduct investigations or to approach the accused on a person's behalf. The same Dignity At Work Champion cannot act for both parties.

The role of the Dignity At Work Champion is to:

- Offer a private and confidential environment for discussion of alleged incident(s);
- Be neutral and offer guidance on how the matter can be managed in line with policy.
- Discuss with individuals the courses of action open to them, but they will not recommend a particular option unless the information is judged to be so serious that action is required irrespective of the wishes of the enquirer;
- Support individuals through their chosen action;
- Maintain confidential notes of any interviews which they will retain for one year and will only be released if there is a formal investigation or Tribunal proceedings.

8.0 Personal Liability

Where EXTERN has taken all reasonable steps to prevent harassment, bullying, discrimination and victimisation, if legal proceedings are invoked then the accused may be held personally liable for acts of unwanted, unreasonable and offensive conduct/behaviour. If a worker is considered to have been acting outside the scope of his/her duty so that the organisation has no legal responsibility, the worker may have to arrange for his/her own legal representation and personally pay any compensation or damages awarded.

9.0 Third Parties

EXTERN will take all reasonable practicable steps to protect workers from unwanted, unreasonable and offensive conduct from third parties (such as visitors and contractors). Workers have a duty to alert management as soon as possible after being subjected to any incident. The organisation cannot be expected to take necessary measures to combat such behaviour if it is unaware of any such incidents occurring.

10.0 Guidance for Workers

Where an individual feels that they have been a victim of harassment, bullying, discrimination or victimisation, they should consider the following steps to resolve the issue:

- Keep a diary of all incidents, record dates, witnesses and relevant correspondence.
- Speak to a Dignity At Work Champion, their line manager or a HR representative about the problem in the first instance to help decide on a preferred course of action.
- Deal with the problem informally, if safe to do so. The individual may approach the person directly themselves or with the support of a Dignity At Work Champion, colleague, Trade Union rep, line manager or HR representative. If the individual is uncomfortable, they may request a manager or HR to do this on their behalf.

Where the issue is too serious to resolve informally, if the alleged harassment, bullying, discrimination or victimisation continues after informal intervention or if the individual prefers it, they may invoke the formal procedure which will be dealt as outlined in the Grievance Procedure.

11.0 Malicious/Vexatious Complaints

Should an investigation determine that a complaint has been submitted with malicious/vexatious intent, the matter will be referred for consideration under the Disciplinary Procedure which may result in disciplinary action being taken.

12.0 Allegations Of Criminal Acts

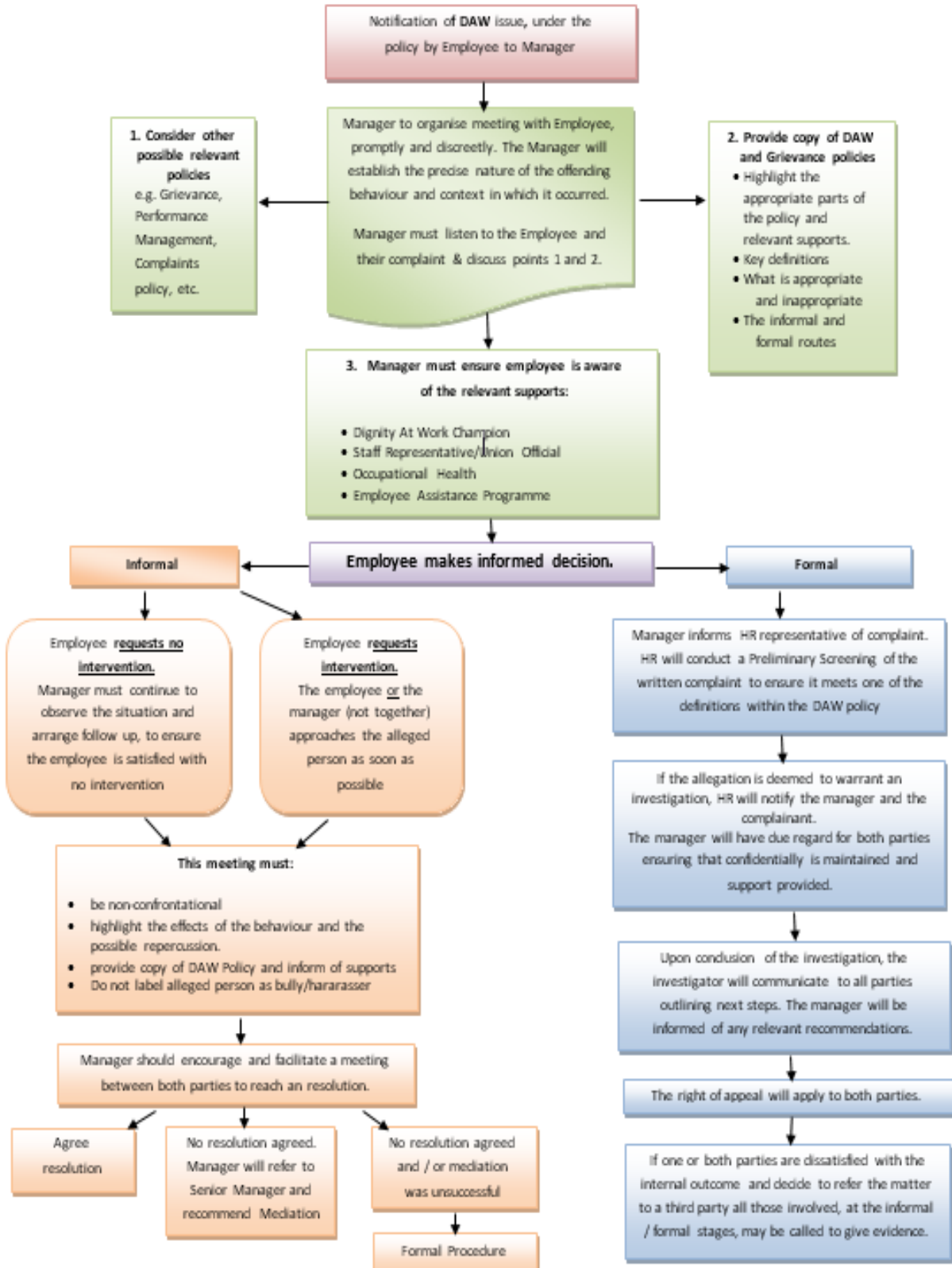
Where allegations of criminal acts for example physical attack or sexual assault have been made, the complainant will be encouraged to report the matter to the Police. EXTERN may also opt to report the incident to the Police depending on the seriousness of the allegation.

13.0 Monitoring and Review

EXTERN's HR Department will monitor the implementation of this Policy and report annually to the Strategic Leadership Team. This policy will be reviewed biennially to ensure continuing compliance with statutory requirements in Northern Ireland or when changes to relevant legislation and/or codes of practice are introduced.

Dignity at Work Process Flow Chart

This below flowchart is a guideline and should be read in conjunction with the Dignity at Work (DAW) and Grievance policies:



Keep records of all complaints, meetings and how they were resolved indefinitely.