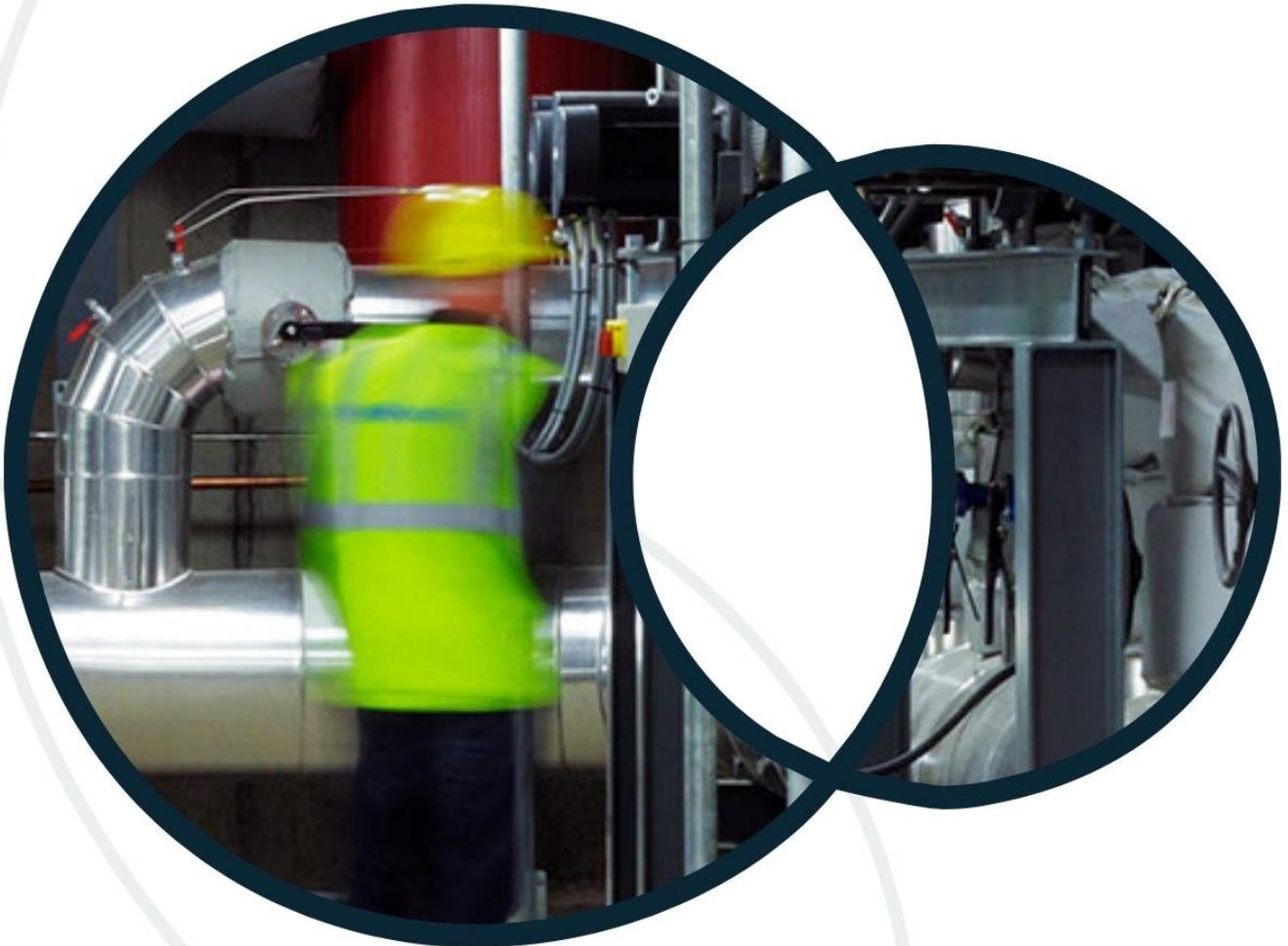


# Colloide



## Dignity at Work Policy

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01/08/2019	1	P McGuinness	First Issue
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## **Policy Statement**

Colloide Engineering Systems Ltd. is committed to respecting individual differences whilst pursuing a common purpose. We are committed to having a workforce that is treated fairly, with respect and feels valued for the contribution every member of staff makes. All staff are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Discrimination of any form will not be tolerated within the company.

The Colloide Equality, Diversity and Inclusion Policy outlines our commitment to developing a better working environment and a respectful and inclusive culture in which diverse contributions can flourish.

Within the Colloide, all staff are expected to treat each other with respect whatever their differences, grade level, job role or relationship e.g. manager and employee.

As an employee working for the company your responsibilities are:

- To ensure that the rights of others are respected and upheld;
- To be polite and take a positive, responsive and considerate approach when dealing with the public, colleagues and other agencies;
- To support and encourage an environment which values all people and not to cause embarrassment, conflict of interest, harassment, alarm or distress to another employee nor discriminate unfairly or unlawfully on any grounds;
- To avoid actions which may adversely affect the reputation of the company;
- To maintain a professional approach to your work and colleagues;
- To conduct yourself in accordance with the procedures and guidance set out in Colloide's Employee Code of Conduct.

## **Equality Act 2010**

The Equality Act 2010 outlines the provisions for employers in relation to making the workplace a fair environment and to comply with the law. It also sets out the different ways in which it is unlawful to treat someone, such as, direct and indirect discrimination, harassment, victimisation and failing to make reasonable adjustments for a disabled person. As an employer, Colloide is responsible for the prevention of bullying, harassment, discrimination and victimisation and other unacceptable behaviour within the workplace.

The Act extends protection to employees in 'protected characteristic' groups. These include:

- Age;
- Disability;
- Gender Reassignment;
- Marriage and Civil Partnership;
- Pregnancy and Maternity;
- Race (including ethnic origin, nationality and colour);
- Religion or Belief;
- Sex; and
- Sexual Orientation.

## Harassment

Harassment and bullying on the basis of protected characteristics is discriminatory and unlawful. The Act defines harassment as:

***“unwanted conduct related to a relevant protected characteristic that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant or violating the complainant’s dignity”.***

The Act uses a single definition of harassment to cover protected characteristics and enables employees to complain about specific behaviour that they find offensive even if the behaviour is not directed at them. Protection is also extended to harassment because of perception and association. Harassment may be a persistent or an isolated incident and can be based on protected characteristics.

The legislation offers protection to employees in relation to:

- **Direct Discrimination** can occur when a rule or policy disadvantages someone because of their particular characteristic.
- **Indirect Discrimination** – can occur where a rule or policy that applies to everyone but disadvantages someone with a particular protected characteristic . However, it may not be discrimination if it can be shown to be a proportionate means of achieving a legitimate aim.
  - **Discrimination by association** – is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
  - **Discrimination by perception** – is direct discrimination against someone because they think they possess a particular protected characteristic.
  - **Harassment by a third party** – employees are potentially liable for harassment of their staff by people they don’t employ.Discriminatory behaviour (including bullying and harassment) can occur on the basis of actual or perceived group membership or affiliation.
- **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.

## Bullying

Bullying is considered as:

***“Intimidation on a regular and persistent basis or as a one off, which serves to undermine the competence, effectiveness, confidence and integrity of the person on the receiving end.”***

Bullying and harassment may be by an individual against an individual or involve groups of people. It is destructive rather than constructive and can publicly humiliate and result in individuals feeling threatened or compromised. Bullying also often results from a misuse of management power but is also the misuse of any form of individual power, such as physical strength, personality or age, or collective power through strength of numbers. Bullying can also be carried out by staff at all levels, including peers.

For the purposes of this policy, both bullying and harassment are used interchangeably and are not necessarily the same. They may occur in written or face to face communications, electronic communication or by phone. Whatever form it takes, it is unacceptable, unwarranted and unwelcome.

### **Dignity at Work Framework**

Colloide acknowledges that bullying, harassment and victimisation are discriminatory and unlawful, and we view unfair and discriminatory behaviour as unacceptable. We recognise the impact that unacceptable behaviour can have within the workplace and the resultant impact on poor employee relations, low morale, inefficiency and increased complaints. We are committed to taking the appropriate steps to prevent bullying, harassment, victimisation and discrimination within the workplace. The Dignity at Work framework plays an important role in prevention.

The Dignity at Work Policy plays an important part in preventing staff from experiencing bullying and harassment whilst at work and ensures all staff are clear about what is acceptable behaviour in the workplace.

The Dignity at Work framework outlines that:

#### **All employees are entitled:**

- **To a workplace free from bullying, harassment or victimisation.**
- **To be treated with dignity, respect and courtesy.**
- **To experience no form of discrimination.**
- **To be valued for their skills and abilities.**

It is essential that unfair and discriminatory behaviour is challenged and stopped within the workplace. Unfair and discriminatory behaviour can be addressed through both informal and formal means. The Grievance Policy provides the framework and mechanism for staff to formally address unacceptable behaviour and to have any complaints resolved.

The policy ensures that all genuine complaints and concerns raised by employees will be treated seriously and sensitively with proper investigation; proportionate to the issues raised and carried out in as timely a manner as possible.

The Dignity at Work Framework therefore enables employees to identify and challenge unacceptable behaviour by invoking the Grievance Policy:

- **Towards them individually or as part of a group.**
- **Towards others within Colloide.**
- **From non-Colloide employees.**

All employees are entitled to challenge behaviour that they find offensive even if it is not directed at them. Employees who wish to complain are also not required to possess specific protected characteristics in order to challenge behaviour as it can be due to perceptions or association.

All employees are also entitled to challenge unacceptable behaviour from non-Colloide employees (third parties). Colloide must take appropriate steps to prevent unacceptable behaviour by third parties whenever possible.

If you are subject to or witness unacceptable behaviour either directly or by association or perception you can make use of the Grievance Procedure.

### **Definition of “Unacceptable Behaviour”**

There is no absolute definition of what ‘unacceptable behaviour’ is as it is the **effect the behaviour has on the recipient that often makes it ‘unacceptable’**. Discriminatory behaviour can occur on the basis of perceived group membership, affiliation or association.

Behaviour that is unwanted, unwelcome and undermines an individual’s dignity at work is unacceptable behaviour. This includes behaviour that might unreasonably threaten job security, promotion prospects or create an intimidating working environment. Behaviour may be perceived as unacceptable, even if there was no intent to cause offence. Behaviour may also have overtones that a member of staff finds offensive, even if it was not directed at them.

Unacceptable behaviour can take many forms and can range from physical attack to more subtle conduct. It can also include behaviour, which deliberately or inadvertently excludes individuals from normal activities in the workplace.

Unacceptable behaviour excludes legitimate actions by a manager to support and encourage an employee to perform against key objectives and to manage performance appropriately. It also excludes legitimate actions taken within the disciplinary or other formal procedures. It does not exclude persons in authority who use their position to bully, abuse or harass others, or assume a threatening or intimidating management style. Practices, which are discriminatory or potentially discriminatory, do not count as legitimate action (for example, holding a team meeting at 7.30am, which can be potentially discriminatory against those with childcare or other responsibilities for dependants).

### **Responsibility for Dignity at Work – Standards of Behaviour**

Managers at all levels have responsibility for upholding the standards of behaviour outlined in this framework. All staff are responsible for their own behaviour within the workplace and to take the necessary steps to change their own inappropriate behaviour, as well as to challenge unacceptable behaviour in others and support colleagues in maintaining acceptable behaviour in the workplace.

These standards of behaviour cover relationships between:

- Managers and staff they manage (including the way that staff behave towards their managers).
- Staff as a peer group (a team or occupational group/cadre).
- Permanent, fixed term and agency staff.
- Colloide staff and third parties (including customers, suppliers, etc).

**All Board and Committee Members, Managers and Staff** have a shared responsibility to create an environment where equality and diversity can be effectively embedded within the organisation and where people's differences are genuinely respected.

**Senior Managers** are responsible for ensuring that these standards of behaviour are communicated and understood by all staff. They are also responsible for setting the standard and ensuring that their own behaviour is of the highest standard and that appropriate and prompt action is taken if unacceptable or offensive behaviour is identified.

**All Managers** are responsible for upholding these standards of behaviour and leading by example by treating all employees with dignity and respect. They are responsible for ensuring that all their staff are aware of the behaviour expected of them and that unacceptable behaviour is challenged and corrected.

**Everyone** is responsible for ensuring that:

- They understand what these standards of behaviour require of them and, that their conduct does not cause offence;
- They should be prepared to support colleagues who are being harassed, bullied, victimised or discriminated against;
- They speak out against unacceptable behaviour that they may have witnessed;
- They should be prepared to challenge and when necessary, complain about unacceptable behaviour even if it is not directed at them;
- They should be prepared to challenge all unacceptable behaviour on the basis of perception or association of protected characteristics.

### **Enforcement & Monitoring**

Responsibility for implementing or initiating action in relation to these standards of behaviour is the same as for complaints. The Dignity at Work framework will be enforced through informal resolution, the Grievance Policy and Procedure and the Disciplinary Policy, where appropriate.

The standards of behaviour outlined in the framework will be reinforced through e-learning modules from the Prosecution College and Area training delivered by Equality, Diversity and Community Engagement Managers. The Equality and Diversity Unit and HR Directorate will review the implementation of the framework and undertake regular monitoring of all equality and diversity related complaints and develop national actions to address concerns as appropriate.

This Dignity at Work Framework explains and outlines some examples of behaviour which may be perceived as unacceptable within the workplace, particularly in relation to protected characteristics.

Breaches of the Dignity at Work Policy will be considered to be a breach of discipline which could lead to disciplinary proceedings, the ultimate sanction being dismissal.

### **Related Policies & Procedures**

The following policies and procedures may need to be consulted in conjunction with this policy as applicable:

- Grievance Policy
- Disciplinary Policy
- Employee Conduct Code
- Equality Diversity & Inclusion Policy
- Whistleblowing Policy
- Appeals Procedures – these are set out in each individual policy where these apply

### **Review**

This policy will be reviewed periodically – and in any case every two years - by Human Resources. It will in any case be reviewed any time it is invoked, and use suggests that changes or clarifications are needed.

Where review is necessary due to legislative change this will happen without delay.

The policy will additionally be updated according to legislative and good practice changes and changes in internal structures and role responsibilities as and when needed.

### **Dissemination**

This policy will be available to all new staff, volunteers, including trustees, secondees and students on placement.

During induction the policy will be signed off as having been read and understood alongside the online Dignity at Work training on Virtual College.

The policy will be made available to current and prospective partners, suppliers, funders and others on request.

**SIGNED BY:**



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**Date Reviewed:** 17<sup>th</sup> October 2022

**Date of Next Review:** 17<sup>th</sup> October 2023

## **Appendix 1 – Examples of Unacceptable Behaviour**

The lists of examples are not exhaustive but, provide an overview to assist understanding of what may be found offensive whether intentional or not.

### **Harassment on the Basis of Age**

Relates to behaviour including ridiculing or demanding behaviour focused towards people because of their age, either actual or perceived or through association with individuals of a particular age. This could include behaviour including regarding them as “too old” or “too young”; or making assumptions about lifestyle based on perceived age.

#### ***Non-Verbal***

- Exclusion from normal work place conversation or activities
- Making assumption about lifestyle/interests
- Denying training/development/promotion opportunities due to age
- Denying training/development/promotion opportunities because of the need to act as a carer for an elderly relative
- Being pressured to retire
- Sending emails or displaying material containing ageist content
- Making assumptions regarding an individual's inability to learn

#### ***Verbal***

- Questioning ability due to age
- Making patronising comments

#### ***Physical***

- Setting unrealistic challenges

### **Harassment on the Grounds of Disability**

Relates to behaviour including derogatory remarks, mimicking, invasive personal questions, staring, ostracising or patronising which are directed at any disabled individual or group of disabled people whether they are perceived to be or are actually disabled or through association with disabled people. The behaviour results in the individual(s) feeling threatened or compromised.

#### ***Non-Verbal***

- Making inappropriate gestures or mimicking behaviour
- Refusing to make reasonable adjustments
- Exclusion from normal work place conversation or activities
- Holding events at inaccessible venues
- Denying training/development/promotion opportunities because of the need to act as a carer for a disabled person i.e. having a family member, partner or child with a disability

- Sending emails or displaying material containing offensive content relating to disabled people
- Making assumptions about someone's abilities based purely on their disability or perceptions about their disability

#### ***Verbal***

- Making fun of an impairment
- Mimicking speech impairment
- Using inappropriate terms e.g. cripple, spastic, handicapped
- Inappropriate personal questioning relating to disability

#### ***Physical***

- Unwanted touching, groping or the invasion of personal space (getting too close)
- Inappropriate practical jokes

### **Harassment on the Grounds of Gender Reassignment**

Relates to behaviour including derogatory remarks, ridicule, jokes or stereotypes of any individual's perceived or actual gender reassignment or through association with someone who has undertaken gender reassignment.

#### ***Non-Verbal***

- Refusing medical leave for a person undergoing medical treatment gender reassignment
- Refusing to treat a person as their new gender once the reassignment process is complete
- Refusing access to appropriate toilets and changing facilities which reflect their acquired gender
- Exclusion from workplace conversations or activities
- Making assumption about lifestyle/interests
- Sending emails or displaying material containing offensive content
- Making assumptions based on grounds of gender identity
- Making assumption about lifestyle/interests

#### ***Verbal***

- Disclosing the person's gender identity to others
- Making inappropriate comments about the person's lifestyle choice
- Intrusive personal questions relating to a person's gender identity and gender reassignment
- Unwanted comments on dress and appearance
- Actual or threatened disclosure of prior gender identify
- Refusal to address individuals in their acquired gender Making patronising comments

#### ***Physical***

- Unwanted touching, groping or inappropriate invasion of personal space (getting too close)

## **Discrimination on the Basis of Marriage & Civil Partnership**

This relates to direct or indirect discrimination and victimisation on the grounds of marriage and civil partnership. It relates to behaviour which inadvertently or deliberately excludes an individual on the basis of actual or perceived marital or civil partnership status.

### ***Non-Verbal***

- Inadvertently or deliberately excluding same-sex partners from social events
- People in civil partnerships not being accorded the same rights as married people for work related benefits, such as flexible working, adoption leave, paternity pay and leave
- Civil partners being denied benefits that are automatically given to married people in the same job, such as employment or training opportunities

## **Discrimination on the Grounds of Pregnancy & Maternity**

This relates to direct discrimination and victimisation on the grounds of pregnancy and maternity.

### ***Non-Verbal***

- Being demoted or prevented from having training or promotion opportunities because of becoming pregnant or being on maternity leave
- Being dismissed/made redundant while on maternity leave without following correct and fair procedures
- Being disciplined for having performance issues due to illness connected with pregnancy.
- Being refused sick leave due to illness connected with pregnancy
- Being dismissed or treated unfavourably while undergoing IVF treatment without following correct and fair procedures
- Being refused paid time off for ante-natal care

### ***Verbal***

- Making inappropriate comments about amount of absence/toilet breaks
- Unwanted comments on dress and appearance

### ***Physical***

- Setting unrealistic challenges
- Unwanted touching, groping or the inappropriate invasion of personal space (getting too close)

## **Harassment on the Basis of Race (including ethnicity, nationality and colour)**

Relates to derogatory remarks, racist statements, graffiti, jokes, or any other action of a racist nature based on an individual's perceived or actual race, ethnicity, nationality and colour or through association with someone from a particular ethnicity, nationality and

colour. This pertains to any action which results in the individual(s) feeling threatened or compromised.

#### ***Non-Verbal***

- Exclusion from normal work place conversation or activities
- Inappropriate gestures
- Sending emails or displaying material containing racist content
- Making inappropriate assumptions based on ethnicity, nationality or colour
- Making assumption about lifestyle/interests

#### ***Verbal***

- Using inappropriate terms when referring to race (including ethnicity, nationality and colour)
- Using derogatory nicknames
- Making racist comments or jokes
- Stereotyping
- Mimicking someone's accent

#### ***Physical***

- Inappropriate physical contact

### **Harassment on the Grounds of Sex**

Sexual harassment is any harassing conduct based on the gender, gender identity or sexuality of the recipient. It relates to any individual's perceived or actual gender, gender identity or through association with individuals of a particular gender, gender identity or sexuality. It includes behaviour which results in the individual feeling threatened or compromised. Most sexual harassment is experienced by women, but men also experience harassment. Sexual harassment can be experienced by women and men. Transgender people may also experience sexual harassment based on perceptions or assumptions about them in relation to their appearance or sexuality.

#### ***Non-Verbal***

- Unnecessarily requiring individuals to work full-time or insisting on staff working long hours. This may disadvantage more women than men as it is still mainly women who take primary responsibility for childcare so cannot work full-time or long hours.
- Unnecessarily requiring variable hours such as shifts and unplanned overtime. This is likely to disadvantage women compared to men because of the difficulties of getting flexible childcare.
- Exclusion from normal work place conversation or activities
- Refusing to offer a position based purely on a gender stereotype i.e. not offering a secretarial post to a man
- Inappropriate gestures, suggestive looks or unwelcome sexual advances
- Sending emails or displaying material containing sexist content

### ***Verbal***

- Making rude or abusive comments or requests for sexual favours
- Making sexually explicit jokes.
- Stereotyping.
- Unwanted comments on dress and appearance.

### ***Physical***

- Unwanted touching, groping or the invasion of personal space (getting too close)

## **Harassment on the Basis of Sexual Orientation**

Relates to behaviour which condemns or ridicules people because of their perceived or actual sexuality or through association with someone of a particular sexual orientation. This could include derogatory remarks, jokes, graffiti which results in the individual feeling uncomfortable, excluded threatened or compromised.

### ***Non-Verbal***

- Inadvertently or deliberately excluding same-sex partners from social events.
- Making assumptions based on sexuality
- Exclusion from normal work place conversation or activities
- Sending emails or displaying material containing offensive content
- Making assumptions based on ethnicity, nationality or colour

### ***Verbal***

- Using inappropriate terms
- Using derogatory nicknames
- Inappropriate personal questioning relating to sexual orientation or domestic circumstances
- Stereotyping
- Actual or threatened unwanted disclosure of sexuality
- Unwanted comments on dress and appearance

### ***Physical***

- Unwanted touching, groping or the invasion of personal space (getting too close)

## **Harassment on the Basis of Religion or Belief**

This is where a person is subjected to derogatory remarks, stereotypes, making assumptions or other inappropriate behaviour on the grounds of perceived or actual religion or belief or through association with someone of a particular religion or belief. This can include statements or assumptions about religion or belief or excluding people on the basis of their religion or belief.

### ***Non-Verbal***

- Exclusion from normal work place conversation or activities

- Arranging team lunches during periods of fasting or religious occasions which may make it difficult for colleagues to attend
- Inappropriately enforcing a dress code which may not accommodate religious dress
- Making assumptions based on religion or belief
- Sending emails or displaying material containing offensive content

#### **Verbal**

- Making inappropriate comments or jokes about someone's religion or belief or none
- Stereotyping
- Using derogatory nicknames
- Inappropriate comments about use of prayer rooms

#### **Physical**

- Inappropriate touching of religious garments or articles
- Not respecting personal space as it relates to religion or belief
- Physical abuse of someone who held a particular religion or belief or none

## **Appendix 2 – Examples of Discriminatory Behaviour**

### **Direct Discrimination**

Rebecca, a Manager, turns down Tony's application for a position within the company. Tony who is Asian learns that Rebecca did this as she believes that he will not 'fit in' to the team as the office does not have any BME staff and the team would be uncomfortable around him because of his race. This is direct discrimination on grounds of race.

### **Discrimination by Association**

Philip has been successful in gaining a place on the Colloide Apprenticeship Programme. However, after he tells his boss that he has a disabled child who has frequent medical appointments which he has to attend, his place is withdrawn. This may be discrimination against Philip because an assumption was made that he will need considerable time off due to his association with a disabled person.

### **Harassment**

Sebastian is 17 years old and the youngest employee within his team. Sebastian is being harassed by his line manager Raj who frequently taunts him about his age and belittles him in the office referring to him as the 'cry baby'. This is harassment directly related to Sebastian's age.

### **Indirect Discrimination**

Ade, a Manager, decides that all meetings in his department will be held at 8.30am. This is indirect discrimination because although the policy applies to everyone, it has a

disproportionate impact on staff with childcare responsibilities the majority of whom tend to be women.

### **Perception Discrimination**

Emma, who is heterosexual, is being harassed by her colleagues and has been 'outed' by a group of colleagues at work who believe her to be a lesbian. Offensive notes have been left on her desk and she is consistently subjected to taunts and abuse. This unacceptable behaviour is based on her colleagues' perception of her sexual orientation and is a form of harassment.

### **Pregnancy & Maternity**

Ann-Marie is a disabled woman who is pregnant and works as an administrator within the company. Her disability and pregnancy cause her to take very frequent toilet and rest breaks. Her manager although aware of her impairment and pregnancy, gives her a formal warning in relation to the frequency of her toilet and rest breaks. This is discrimination in relation to pregnancy and maternity.

### **Third Party Harassment**

Janet manages a project for Colloide. Mohammed, one of the Public Liaison Officers within the team, has recently had to take a number of enquiries from local residents for the project he is working on. The nature of the phone calls has been increasingly offensive and abusive, and Mohammed is extremely unhappy at being the target of this abuse whilst carrying out his daily duties so he complains about this behaviour to Janet. This is an example of third party harassment as it happened on more than two occasions.

## **Appendix 3 – Glossary**

### **Direct Discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

### **Discrimination by Association**

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. Discrimination by association already applies to race, religion or belief and sexual orientation. It has now been extended to cover age, disability, gender reassignment and sex.

### **Harassment**

Harassment is 'unwanted conduct related to a relevant protected characteristic that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant or violating the complainant's dignity'.

However, harassment under the Equality Act does not apply to the protected characteristics of pregnancy and maternity and marriage and civil partnership.

### **Indirect Discrimination**

Indirect discrimination can occur when a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can be shown that an employer acted reasonably in managing its business i.e. that it is 'a proportionate means of achieving a legitimate aim. A legitimate aim might be any lawful decision made in running a business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including the consideration of 'less discriminatory' alternatives to any decision made. It already applies to sex, sexual orientation and marriage and civil partnership. It is now extended to cover disability and gender reassignment.

### **Perception Discrimination**

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. Perception discrimination already applies to age, race, religion or belief and sexual orientation. It has now extended to cover disability, gender reassignment and sex.

### **Third Party Harassment**

The Equality Act makes employers potentially liable for harassment of its employees by people (third parties) who are not employees, such as defendants, defence solicitors, judge and magistrates, court staff, victims and witnesses and contractors or their representatives (cleaners). Employers are liable when harassment has occurred on at least two previous occasions that the employer is aware that it has taken place and have not taken reasonable steps to prevent it from happening again. It already applies to sex and now extended to cover age, disability, gender reassignment, race, religion or belief (none) and sexual orientation.

### **Victimisation**

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.