

Wanborough Playgroup

Registered Charity Number 1026150

Ofsted Registration Number: 109096



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Dignity at Work Policy

Statement of intent

Wanborough Playgroup is committed to ensuring that all employees are treated fairly, consistently and with dignity whilst at work. The Playgroup has resolved to create a working environment that supports the dignity of employees at work and is free from harassment, intimidation, bullying and victimisation.

The primary aim of this policy is to prevent behaviour that could be construed as harassment or bullying in the workplace. Where this does occur, the policy aims to ensure that appropriate and effective action is taken to prevent any recurrence.

The policy applies to situations where employees are being harassed or bullied by colleagues, subordinates or supervisors.

Employees being harassed or bullied by a member of the public during the course of their work should raise the matter with the Chair of the committee, who will advise on the appropriate course of action.

Aim

Wanborough Playgroup aim to ensure that all employees are aware of the types of behaviour which may constitute harassment or bullying and their responsibilities for preventing such behaviour. We aim to ensure that all employees understand the behaviours that may constitute harassment or bullying are unacceptable and that appropriate measures, including disciplinary action, may be taken. We also aim to promote a climate in which employees feel confident in bringing forward complaints of harassment or bullying without fear of victimisation and that complaints will be dealt with promptly and in confidence (see Disclosure Policy).

Roles and Responsibilities

Any employee or the committee as the employer may be held liable in law for their actions or their failure to act to prevent or deal with bullying or harassment.

Employees have a clear role to play in helping to create a climate at work in which harassment or bullying behaviour is unacceptable. They must:

- act as role models in all dealings
- set the standards of behaviour required of a positive working environment and be aware of their own behaviour and the effect it may have on others
- take all reasonable steps to ensure that their conduct does not cause offence or misunderstanding
- treat all colleagues with dignity and respect
- comply with this policy

Leading by example, the committee has a responsibility to raise awareness of the issue, respond promptly, positively and confidentially to any complaints and challenge and stop unacceptable behaviour in the workplace (see Disclosure Policy).

Vicarious Liability

Vicarious liability is a common law principle where the employer is liable for a wrong committed by an employee acting in the course of his or her employment. Anything done by an individual employee in the course of their employment which is unlawful under the Sex Discrimination Act (1974), the Race Relations Act (1975), the Disability Discrimination Act (1995) or the Employment Equality Regulations 2003 pertaining to Sexual Orientation or Religion or Belief is treated as if it were done by the employer as well as the employee.

For a court to find that the employer is liable then it needs to be established that the offending employee ought to have known that the course of conduct amounted to harassment and the claimant will have to show that there is a sufficiently close connection between the act and the perpetrator's employment.

Criminal Offence

There is a criminal offence of intentional harassment. Under the Criminal Justice and Public Order Act 1995, the use of threatening, abusive or insulting words or disorderly behaviour intended to cause harassment, alarm or distress is a criminal offence. Regardless of whether the harassment is due to gender, race, disability, religion or belief, sexuality or age, the police will now investigate complaints. Under the Protection of Harassment Act 1997 anyone who persists in pursuing a course of conduct likely to cause harassment will now be liable to imprisonment up to five years, as well as a civil claim from the victim.

What is Harassment at Work?

Harassment occurs when someone engages in unwanted conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment or bullying is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient. As a result, it is possible that behaviour that is acceptable to some employees may cause embarrassment, distress or anxiety to others. It is recognised, therefore, that harassment or bullying relates essentially to the perceptions and feelings of the recipient.

There may be occasions where employees are working alongside employees of other agencies where an issue of harassment or bullying may arise. In such circumstances, the complaint should be handled jointly by the Playgroup and partner agency, taking account of the respective policy arrangements.

Harassment on the grounds of gender, race, disability, sexual orientation, age or religion or belief is unlawful and will not be tolerated in any form.

Any attention by an employee towards another employee, or group of employees, which is offensive to the recipient and creates an intimidating, hostile or offensive work environment for one or more employees is unacceptable. Harassment also includes the display of material that is offensive to employees in the workplace.

Whilst harassment often involves repeated acts of offensive behaviour, a single incident may constitute harassment under this policy.

Harassment can take many forms and may include:

- unnecessary and unwanted physical contact ranging from touching to serious sexual or physical assault
- verbal conduct such as sexist, racist and homophobic comments or innuendo; derogatory remarks about disability, religion or age; slogans, insults, comments of a personal nature; suggestive remarks, inappropriate jokes or language
- unwanted non-verbal conduct, including sexually suggestive gestures, staring and leering
- display, storage or circulation of offensive material (including information held on computer)
- conduct that denigrates, threatens, ridicules, intimidates or abuses, undermines or undervalues an individual because of characteristics such as gender, sexual orientation, disability, race, age or religion or belief, as well as including derogatory or degrading remarks or insults or offensive comments about appearance or dress
- unwanted sexual attention or advances
- suggestions that sexual favours may result in career advancement or some other employment benefit (or that refusal of such suggestions may result in some form of detriment)
- unfair treatment, which might include deliberate exclusion from conversations or events at work, for reasons based on age, caring responsibilities, culture, disability, ethnic origin, gender, race, religion or belief or sexual orientation, economic status

This list is not exhaustive.

The essential characteristics of harassment are that it is unwanted by the recipient and that it is for each individual to determine what behaviour is acceptable to them and what they regard as offensive. It is the unwanted nature of the conduct that distinguishes harassment from behaviour between employees that is welcome, mutual and appropriate in a working environment.

What is Bullying at Work?

Although harassment is often related to matters such as race, gender, disability, sexual orientation, age or religion or belief it is apparent that a more general form of harassment may take place that is not based on any one clearly identifiable aspect of the person concerned. This form of harassment may be described as bullying or aggressive or intimidating behaviour by one person towards another.

Bullying is often unreported. People affected by bullying often feel the matter appears trivial or that they may have difficulty in describing it.

Bullying can be defined in many ways but is generally behaviour that is identified as a misuse of power. It is usually persistent (i.e. more than a one-off incident), is offensive, abusive, intimidating, malicious or insulting behaviour or unfair use of sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines self confidence. It can manifest itself in many other conditions such as nervousness, stress, poor work performance, absenteeism etc.

Bullying behaviour is largely identified not so much by what has actually been done, but rather by the effect that it has on the recipient.

At its most extreme, bullying can be physical e.g. hitting, pushing, damaging or stealing personal possessions. Harassment and bullying, in some cases, constitute misconduct or gross misconduct and will be dealt with under the Disciplinary Procedure. Examples of bullying covered by this Policy could include:

- persistently criticising unnecessarily
- shouting at colleagues in public or private
- deliberate isolation by ignoring or excluding a person
- spreading malicious rumours
- making inappropriate personal comments
- undermining a person's self respect by condescending, paternalistic or threatening treatment that humiliates, intimidates or demeans

Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. It is also recognised that an occasional raised voice or argument may not constitute bullying.

It is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

Method

Please refer to the Disclosure Policy for details.

This policy was adopted at a meeting of	Wanborough Playgroup Committee
Held on (date)	7 th November 2011
Signed on behalf of the Management Committee/Proprietor	Kath Liston
Name of Signatory	Kath Liston
Role of signatory (e.g. chairperson etc.)	Chairperson
This policy was reviewed on	
Signed on behalf of the Management Committee/Proprietor	
Name of Signatory	Ali Petherbridge
Role of signatory (e.g. chairperson etc.)	Chairperson