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South Downs Leisure

Human Resources Policies  
and Procedures

Dignity at work Policy

Date agreed: June 2023

Revised: Sept 2024



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## INTRODUCTION

At South Downs leisure we are committed to ensuring that employees and other individuals with whom they come into contact during their employment are treated with dignity and respect and that the workplace is free from harassment and bullying. All employees have a duty to act in accordance with this policy and to always treat colleagues with dignity, and not to harass them or bully or intimidate them in any way. Each person is responsible for considering the impact their words and actions could have on others and for ensuring that they contribute towards creating a positive working environment. Even unintentional harassment or bullying is unacceptable.

This policy covers harassment or bullying which occurs both in and out of the workplace, such as on business trips or at events or work-related social functions as well as comments and activity on social media channels. It covers bullying and harassment by employees and by third parties such as customers, suppliers or visitors to our premises are aware of the standards of conduct expected of them and the consequences if they fail to maintain those standards.

This policy provides a framework within which managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where and when required.

## WHAT IS 'HARASSMENT'

Harassment is any unwanted physical, verbal, or non-verbal conduct, and or written communications via messaging services (which include but are not limited to: Discord, Facebook messenger etc.) which 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.

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.

Harassment would include, for example:

- unwanted physical conduct.
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it.
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome.



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# South Downs Leisure

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- 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 telephone or posted on the internet).
- offensive or intimidating comments or gestures, or insensitive jokes or pranks.
- mocking, mimicking, or belittling a person's disability.
- 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 as gay or lesbian.
- or ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by discriminatory comments about a different ethnic group if they create an offensive environment for him/her.

## WHAT IS SEXUAL HARASSMENT?

Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature 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 sexual harassment. It is also unlawful to treat someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past.

Sexual harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- continued suggestions for sexual 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 emails, 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); or
- offensive emails, text messages or social media content.

A person may be sexually harassed even if they were not the intended target. For example, a person may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.



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Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- bringing proceedings under the Equality Act 2010;
- giving evidence or information in connection with proceedings under the Equality Act 2010;
- doing any other thing for the purposes of or in connection with the Equality Act 2010;
- alleging that a person has contravened the Equality Act 2010.

We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

If any sexual harassment or victimisation of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include providing further staff training and taking disciplinary action against the perpetrator.

## **THIRD PARTY HARASSMENT**

Third-party harassment occurs where a person is harassed or sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, unwelcome sexual advances from a client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.

Third-party sexual harassment can result in legal liability and will not be tolerated. All staff are encouraged to report any third-party harassment they are a victim of, or witness, in accordance with this policy.

Any sexual harassment by a member of staff against a third party may lead to disciplinary action up to and including dismissal.

We will take active steps to try to prevent third-party sexual harassment of staff.

If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. These may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and sharing information with other branches of the business.

Within South Downs Leisure, we believe that high-risk areas for potential acts of sexual harassment include:



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Work-related social events which take place with colleagues and/or clients, particularly those involving alcohol;

## WHAT IS 'BULLYING?'

Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, upset, humiliated and/or threatened. Power includes both personal strength and the power to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct. Legitimate and constructive criticism of a worker's performance or behaviour or reasonable requests made of workers in the course of their employment will not constitute bullying.

## COMPLAINTS ABOUT BULLYING, HARASSMENT or SEXUAL HARASSMENT

You may feel able to address concern about conduct that you believe may constitute bullying or harassment **of any nature** directly with the person or people concerned. This should be done sensitively and usually with the knowledge and assistance of your manager, or a member of Human Resources. In the case of incidents involving third parties (such as customers, suppliers or visitors) a manager must always be consulted before any attempts are made to raise concerns.

You may raise complaints about bullying or harassment in accordance with our Grievance Procedure. You will be required to set out details of your complaint in writing and/or to attend an investigation meeting during which your concerns will be noted. You will also be required to provide the name(s) of any persons you believe have bullied or harassed you and the names of any potential witnesses to the incident(s).

Please be aware that all complaints will be taken seriously and investigated even if they are raised by you 'in confidence' since we cannot ignore a matter that has come to our attention, and we are not prepared to tolerate such behaviour in work including work events taking place outside of the workplace or on social media channels when linked to the workplace.

Consideration will be given to whether anyone involved should be redeployed temporarily or suspended on full pay and/or whether reporting lines or other managerial arrangements should be altered pending the outcome of an investigation.

## POSSIBLE OUTCOMES

If the outcome of the investigation indicates that harassment or bullying may have occurred, prompt action will be taken to stop the behaviour immediately and prevent its recurrence. Efforts will also be made to address any working relationship issues that may arise as a result. In appropriate



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circumstances disciplinary action will be taken against an employee who has bullied or harassed another person.

Consideration will be given to whether the harasser or bully should be dismissed and, if not, whether they should remain in their current post or be transferred.

Where your complaint is about someone other than an employee, such as a contractor, customer, client, service user, supplier, or visitor, we will consider what action may be appropriate to protect you and anyone else involved pending the outcome of the investigation, bearing in mind the reasonable needs of the organisation and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

If your complaint is not upheld this will be confirmed to you in writing and we will discuss how the situation can be managed with you. You will have the right to appeal against this decision in accordance with our Grievance Procedure and temporary arrangements (including suspension) may remain in place until the appeal has been determined.

efforts will be made to resolve any on-going relationship issues, and these may involve, for example, some form of mediation or counselling, training or a change in the duties or reporting lines of either party.

## **CONFIDENTIALITY**

We will maintain confidentiality where possible and information will be disclosed on a "need to know" basis to those individuals involved in the investigation. All employees involved, including the employee making the complaint, the subject of the complaint, potential witnesses, the investigator and note-taker(s) are responsible for observing the high level of confidentiality required.

## **CO-OPERATION**

All employees have a duty to co-operate with any investigations into complaints of or concerns about bullying and harassment or any other issues that may have an impact on dignity in the workplace.

It is in the interests of everyone involved and the organisation as a whole that concerns of this nature are addressed promptly. Employees will be expected to co-operate and assist our investigations even during periods of sickness or other absence. Where an employee is not well enough to attend a meeting, medical confirmation of this will be required and alternative arrangements – such as requests for written information – will be implemented.

Failure to operate with an investigation may be regarded as a failure to comply with a reasonable management instruction and could lead to disciplinary action.



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## **IF YOU WITNESS SEXUAL HARASSMENT OR VICTIMISATION**

Staff who witness sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include:

- intervening where you feel able to do so;
- supporting the victim to report it or reporting it on their behalf;
- reporting the incident where you feel there may be a continuing risk if you do not report it;
- co-operating in any investigation into the incident.
- All witnesses will be provided with appropriate support and will be protected from victimisation.

## **PROTECTION FOR THOSE MAKING COMPLAINTS OR ASSISTING WITH AN INVESTIGATION**

Employees who make complaints or who participate in good faith in an investigation will be protected from any form of intimidation or victimisation as a result of their involvement. However, any employee who is found to have deliberately provided false or misleading information, or to have acted in bad faith, may be subject to disciplinary action.

## **RESPONSIBILITY FOR IMPLEMENTING THIS POLICY**

All employees are responsible for ensuring and maintaining a workplace free from bullying and harassment and this policy

applies at all levels within South Downs leisure regardless of seniority or status. However, it is not contractual and does not form part of your contract of employment.

Managers are responsible for ensuring that concerns and/or complaints are taken seriously and properly addressed and for ensuring that employees and others (contractors' agency workers, temps etc.) for whom they are responsible have read this policy, are aware of its requirements and aware that breach of the provisions of this policy may result in disciplinary action.

## **LEGISLATIVE FRAMEWORK**

The policy takes account of South Downs Leisure' legal obligations under the relevant legislation which includes:

- (a) The Equality Act 2010;
- (b) Trade Union and Labour Relations (Consolidation) Act 1992;
- (c) Protection from Harassment Act 1997;
- (d) Criminal Justice & Public Order Act 1994;
- (e) Employment Rights Act 1996;
- (f) Human Rights Act 1998;



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(g) Health & Safety at Work Act 1974.

Both South Downs Leisure and the harasser/bully may be liable for any unlawful actions.

South Downs Leisure will, where appropriate, go beyond their statutory obligations.

## **Date of Next Update:**

This procedure is reviewed once a year or updated as and when necessary

## **Updates of procedure:**

<b>Issue No</b>	<b>Description of Revision</b>	<b>Date</b>	<b>Action By</b>
Draft	None - First Issue	June 2023	
	Employment legislation update Worker Protection (Amendment of Equality Act 2010) Bill	Aug/Sept 2024	ED/PW

Sharepoint - Public\3. People - Staff\3.16 HR Policies - Staff Handbook\DIGNITY AT WORK



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