



### **Definition 'Workforce'**

For the purpose of this policy the workforce covers all employees, freelancers, volunteers and students.

### **Policy Statement**

The Dance Network Association (dna) are committed to having a workplace which is free from harassment and bullying and to ensure that our workforce and others who come into contact with us in the course of our work, are treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability. Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is central to ensuring equal opportunities in employment.

This policy and procedure are intended to support this commitment in practice and to provide guidance to staff on how to deal with concerns of bullying or harassment.

### **Policy**

We will not tolerate bullying, harassment or sexual harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of any type of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. You should also be aware that if a court or tribunal finds that you have bullied, harassed or sexually harassed someone, in some

circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We will take appropriate action if any of our workforce are bullied or harassed by our stakeholders or suppliers.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, we decide that an employee has harassed or bullied another employee or contractor, then the employee may be subject to disciplinary action, up to and including dismissal.

Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result. False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

Bullying, harassment or sexual harassment is something that has happened that is unwelcome, unwarranted and causes a detrimental effect. If any member of the workforce complains they are being bullied, harassed, or sexually harassed then they have a grievance which must be dealt with regardless of whether or not their complaint accords with a standard definition.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All our workforce must, therefore, treat their colleagues with respect and appropriate sensitivity.

## **Definitions:**

### **Being Bullied**

Bullying is behaviour from a person or group that's unwanted and makes you feel uncomfortable, including feeling:

- Frightened
- less respected or put down

- made fun of
- upset

Examples of bullying at work could include:

- someone has spread a false rumour about you
- someone keeps putting you down in meetings
- your boss does not let you go on training courses, but they allow everyone else to
- your boss keeps giving you heavier workloads than everyone else
- your team never lets you join social events
- someone at the same or more junior level as you keeps overruling your authority

The bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or phone calls
- happen at work or at work social events
- not always be obvious or noticed by others

## **Upward bullying**

Bullying can also happen from staff towards a more senior employee, a manager or an employer (this can be called 'upward bullying' or 'subordinate bullying'). It can be from one employee or group of employees.

Examples of upward bullying can include:

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- doing things to make you seem unskilled or unable to do your job properly

It can be difficult if you're in a senior role to realise you're experiencing bullying behaviour from your staff. It's important to consider the real reasons for the behaviour. For example, there might be a wider issue with the culture of the organisation.

Employers and managers should work together to identify the cause of the issue and address it. Bullying does not include appropriate criticism of an employee's behaviour or proper performance management.

### **When bullying is harassment**

Harassment is when bullying or unwanted behaviour is about any of the following 'protected characteristics' under discrimination law:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

Harassment because of pregnancy or maternity is treated differently and could be direct discrimination.

The law on harassment does not cover marriage and civil partnership.

As with bullying, the person being harassed might feel emotions including:

- disrespected
- frightened
- humiliated
- made fun of
- offended

- threatened

For it to count as harassment, the unwanted behaviour must have either:

- violated the person's dignity, whether it was intended or not
- created a hostile environment for the person, whether it was intended or not

**Harassment** can include:

- a serious one-off incident
- repeated behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person

It's still against the law even if the person being harassed does not ask for it to stop.

The law on harassment also applies to:

- a person being harassed because they are thought to have a certain protected characteristic when they do not
- a person being harassed because they're linked to someone with a certain protected characteristic
- a person who witnesses harassment because of a protected characteristic and is upset by it

## **Harassment because of sex**

Under the law, there's also protection against:

- harassment because of a person's sex, for example a male boss regularly putting down a female employee because she's a woman
- Sexual Harassment (see examples of sexual harassment) which is unwanted behaviour of a sexual nature. This can be written, verbal, imagery, physical or sexual assault. For example, someone making sexual comments or trying to touch someone against their will

- being treated unfairly because they've received or stood up against these types of harassment

## **Being victimised**

'Victimisation' is being treated unfairly because you made or supported a complaint to do with a 'protected characteristic', or someone thinks you did.

Protected characteristics under the law are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

For example, your colleague makes a sexual harassment claim against your boss. After you give evidence as a witness to support their claim, your boss starts treating you unfairly.

## **Sexual harassment**

Sexual harassment can be a one-off incident or an ongoing pattern of behaviour. It can happen in person or in other ways, for example online through things like email, social media or messaging tools.

Examples include:

- flirting, gesturing or making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment
- displaying or sharing pornographic or sexual images, or other sexual content
- touching someone against their will, for example hugging them
- sexual assault or rape

What some people might consider as joking, 'banter' or part of their workplace culture is still sexual harassment if:

- the behaviour is of a sexual nature
- it's unwanted
- it violates someone's dignity or creates a hostile environment for them

Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of sexual harassment in a workplace that's not specifically aimed at one person – such as sharing sexual images. Someone could still make a complaint of sexual harassment in this situation.

## Reporting concerns

**What you should do if you witness an incident you believe to be harassment or bullying:** If you witness such behaviour, you should report the incident in confidence to your line manager. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

**What you should do if you feel you are being bullied or harassed by a Stakeholder or Supplier (as opposed to a colleague):** If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your line manager in the first instance or, with the Operations Director. We will then decide how best to deal with the situation, in consultation with you.

**What you should do if you are being Bullied or Harassed by a Colleague:** If you are being bullied or harassed by another member of the workforce, there are two possible avenues for you, informal or formal.

## **Informal Resolution**

If you are being bullied or harassed by another member of the workforce, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask your line manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own line manager, you should raise the issue with the Operations Director. The Operations Director will discuss with you the option of trying to resolve the situation informally by:

- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a fellow employee;
- That such behaviour is contrary to our policy;
- That the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible for the Operations Director to have this conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The Operations Director will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of sexual or racial harassment or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.



## Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about the harassment or bullying to your line manager or the Operations Director. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s).

We will first investigate the complaint. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would need to be told your name and the details of your complaint in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you whilst the matter is being investigated.

After the investigation, we will meet with you to consider the complaint and the findings of the investigation. At the meeting, you may be accompanied by a fellow worker or a trade union official.

After the meeting (and normally within five working days), we will write to you to inform you of our decision and to notify you of your right to appeal to a more senior manager if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with our decision. You should submit your appeal within five working days of receiving written confirmation of our decision. If you submit an appeal, you will be invited to attend a meeting to consider it. Once again you may be accompanied by a fellow worker or a trade union official. We will write to you afterwards to confirm our final decision.

## Disclosure and Confidentiality

We will treat personal data collected during this process in accordance with the data protection policy. Information about how the workforces' data is used and the basis for processing data is provided dna's privacy notice.

## Use of the disciplinary procedure

As an organisation we do our utmost to ensure that our wellbeing of all workforce is paramount. Therefore, any type of harassment and bullying will constitute as serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. Any member of the workforce found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary or constructive dismissal

Date Policy Accepted: June 2021

Date due for review: June 2024

Signed:  \_\_\_\_\_

Position: CEO of Dance Network Association