



Dignity and Respect at Work Policy (including duty to prevent sexual harassment)

Corporate Lead	Managing Director
Policy Owner	Head of HR
Policy Author	Lynne Halls
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Summary of Policy	
The purpose of this policy is to set out the approach of NY Highways regarding expectations of how colleagues should treat each other in the workplace.	
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Version Control and Amendment Log

Version No.	Type of Change	Date	Description of Change(s)
1	New policy created	May 2021	New policy created and approved by NYH Board
	Approval and issue	22 June 2021	
2	Policy revised to reflect change in legislation	November 2024	Revised policy approved by NYH SLT

1. Purpose

Everybody has the right to be treated with dignity and respect in the workplace and NY Highways (NYH) is committed to providing a supportive work environment. NYH recognises the value of equality, diversity and inclusion and is committed to promoting and embracing diversity and providing equality of opportunity and fair treatment for all.

The purpose of this policy is to ensure that all NY Highways (NYH) employees are treated and treat others with dignity and respect, operating a workplace free from harassment including sexual harassment and bullying. The policy is intended to create an inclusive environment for all NYH employees.

It aims to ensure that employees feel empowered to take action in the knowledge that allegations will be dealt with fairly, confidentially and without undue delay.

2. Scope

This policy covers all individuals working for NYH, either as an employee or in any other capacity (e.g. agency workers or contractors), at any of the NYH's premises or sites.

This policy covers harassment, bullying or sexual harassment which occurs both in and out of the workplace, such as on business trips or at events or work-related social functions. It covers bullying and harassment by employees and also by third parties such as customers, suppliers or visitors to NYH premises or sites.

3. Responsibilities

All managers must:

- Create an environment and culture where everyone is treated with dignity and respect and where unacceptable behaviours are not tolerated.
- Ensure all colleagues are treated with fairness and equity.
- Ensure all colleagues understand what behaviour constitutes bullying, harassment or sexual harassment and that such behaviour is unacceptable.
- Take complaints and concerns regarding unacceptable behaviour seriously and ensure prompt and effective resolution.
- Recognise inappropriate behaviour and take appropriate action when it occurs.
- Ensure all colleagues are aware of this policy, their responsibilities under it and how concerns relating to unacceptable behaviour can be raised.
- Support colleagues who may feel they are being bullied or harassed.
- Always maintain confidentiality and do not mention or discuss sensitive or confidential matters with any person not involved in the resolution and/or investigation.

- Ensure there is no retaliation against any person who has raised a concern under this policy.

All employees must:

- Treat all colleagues with dignity and respect
- Be aware of how their behaviour can affect others and be receptive to issues which are raised informally by others in an attempt to resolve them.
- Adhere to this policy regarding being responsible for their own behaviour and how they treat their colleagues.
- Take responsibility for any challenging behaviour that is considered unacceptable and seek an informal resolution to issues wherever possible.
- Report any incidences of bullying or harassment that come to their attention and participate fully in any formal investigations that may be undertaken.
- Support colleagues who feel they are being bullied or harassed.
- Be aware that unacceptable behaviours of the types covered by this policy could result in legal proceedings being brought against them, by either the complainant or the Police.

4. Definitions

Dignity and Respect

Dignity and Respect refers to treating all staff with consideration, dignity and respect. It involves fostering positive relationships at work and dealing with inappropriate behaviour.

What is bullying or harassment?

These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment. The following definitions are provided as means of guidance and are by no means an exhaustive list:

Bullying

ACAS state that bullying or harassment may be by an individual against an individual or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Bullying is persistent, offensive, abusive, intimidating, malicious or insulting behaviour or the abuse of power with unfair demands or the belittling of someone either in public or private. It is often primarily psychological e.g. criticism, but may also be physical. It may also take place by letters, e mail, phone, text messages. It can make the recipient feel upset, threatened, humiliated or vulnerable, undermine self-confidence and cause them to suffer stress.

Examples of bullying within the workplace can include, but are not limited to:

- False rumours being spread about an individual
- Putting an individual down in meetings
- Intimidating, ridiculing or shouting at someone
- Frequently undermining someone's authority
- Physical or psychological threats
- Deliberately excluding someone from meetings or communications without good reason

Discrimination

Discrimination is when someone is treated unfairly, directly or indirectly, due to any of the following protected characteristics under the Equality Act 2010:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Direct discrimination occurs when a person is treated less favourably than another person because of a protected characteristic which they have or are thought to have (i.e. perceptible discrimination), or because they associate with someone who has a protected characteristic (i.e. associative discrimination).

Indirect discrimination occurs when a condition, rule, policy, practice or requirement is applicable within the organisation but which adversely affects or disadvantages a particular group who share a protected characteristic more than others and which cannot be justified or considered reasonable in terms of being a proportionate means of achieving a legitimate aim in running the business.

Harassment

Harassment is when bullying or unwanted behaviour is related to any of the protected characteristics under the Equality Act 2010, as noted above.

ACAS state that under the Equality Act harassment is defined as "unwanted conduct and must be related to a relevant protected characteristic, or be of a sexual nature. It

must also have the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual"

This is also applicable to harassment because of perception (i.e. although the person does not actually possess that characteristic, they are perceived as doing so by others) and association (i.e. because the person is associated with someone who possesses the characteristic).

Sexual Harassment

On 26 October 2024 the new Worker Protection (Amendment of Equality Act 2010) Act 2023 came into force. The Act introduced a new positive legal obligation on employers to take reasonable steps to protect their workers from sexual harassment. NYH recognises that as an Employer, it has a positive legal duty to prevent sexual harassment of NYH workers. NYH must take reasonable steps to prevent sexual harassment of workers in the course of their employment (the 'preventative duty')

Sexual harassment is defined under the act as unwanted conduct of a sexual nature which has the purpose or effect of:

- violating a worker's dignity
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that worker

Sexual harassment of a worker can be committed by:

- another worker
- an agent acting on behalf of the employer
- a third party

There are many different types of third parties that could sexually harass a worker (such as customers, clients, service users, patients, friends and family of colleagues, delegates at a conference and members of the public).

ACAS describe that 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, but are not limited to:

- 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 can still be sexual harassment. Sexual harassment is usually directed at an individual, but it's not always the case. Sometimes there can be a culture of behaviour 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.

Harassment by a third party, such as a customer, client, patient, or supplier, should be treated just as seriously as that by a colleague. NY Highways will take steps to prevent this type of harassment, including putting reporting mechanisms in place or assessing high-risk workplaces where staff might be left alone with customers.

Victimisation

Victimisation, in the context of this policy, is when someone is treated unfairly because they made or supported a complaint relating to a 'protected characteristic', or someone thinks they did so or might do so.

Cyber bullying

Under the Malicious Communications Act 1998 it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person and under section 43 of the Telecommunications Act 1984 it is a similar offence to send a telephone message that is indecent, offensive or threatening. Technology has seen the development of new ways in which people now choose to bully, harass and abuse others. Cyber bullying, which is defined as 'any use of information and communications technology to support deliberate and hostile attempts to hurt, upset or embarrass another person'. Victims of cyber bullying experience the same feelings of fear, intimidation, stress and low morale as those bullied face-to-face. Cyber bullying should be treated as any other form of bullying. Examples of cyber bullying which may occur in the workplace or outside but affect employees include:

- offensive emails
- email threats
- posting defamatory gossip on blogs and social networking sites
- threats or offensive comments by SMS text messages on mobile phones
- harassment by email
- posting private and personal details about someone online

What is not bullying or harassment?

All staff need to be aware that a manager attempting to carry out their role in line with the agreed organisational values, policy and procedure in a firm and consistent manner that it is in line with the organisational values and does not constitute bullying and harassment. It is in the interest of NYH that all managers should be able to undertake their duties appropriately without being subjected to malicious or vexatious complaints. Legitimate and appropriately conducted monitoring and feedback of an individual's behaviour or job performance is an organisational requirement as all line managers are responsible for ensuring that staff who report to them undertake their duties and behave at all times in an acceptable standard.

False or malicious allegations or information

If it is considered that an employee has made a deliberately false or malicious complaint against another person about harassment or bullying, action will be taken against that employee in line with NYH's Disciplinary policy and procedure.

Any individual who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action in line with NYH's Disciplinary policy and procedure.

5. Support for those involved

NY Highways will offer access to Occupational Health, including confidential counselling for any members of staff affected by, subject to or accused of, bullying or harassment.

All parties involved in allegations of bullying and harassment will be treated sensitively and objectively by the organisation in order for the facts to be established. NYH will aim to deal with any concerns in a timely manner and respect confidentiality. NY Highways will consider working arrangements following allegations being made whilst matters are being dealt with.

If the person who is accused of the bullying/harassment believes the accusation to be unfounded, they should say so during the course of the investigation, explaining their reasons and continue to participate in the process so that the situation can be resolved. They should also be prepared to participate in mediation if this is identified as an appropriate solution.

Staff who make complaints of bullying or harassment in good faith or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Should this occur then they must contact their line manager (or appropriate manager) as soon as possible in order for this to be addressed. Anyone found to have behaved inappropriately towards or victimised someone for making a complaint in good faith or participating in an investigation in good faith will be subject to action under our Disciplinary Policy and Procedure.

6. How NY Highways will deal with all any allegations of inappropriate behaviour

Allegations can be dealt with by the organisation in a variety of ways including an informal or formal resolution. Whichever approach is taken does not detract from the overall seriousness of the issue and either route is recognised by NYH as a legitimate means of dealing with allegations of bullying harassment or inappropriate behaviour.

NY Highways wishes to make it clear that sexual harassment will not be tolerated and is unlawful and that the law requires employers to take reasonable steps to prevent sexual harassment of their workers. Sexual harassment or victimisation may lead to disciplinary action up to and including dismissal and that aggravating factors, such as abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.

Allegations of Bullying or Harassment will be addressed through the Grievance Policy, allegations of Sexual Harassment will be addressed under the Disciplinary Policy and Procedure.

Third parties

Where the harasser or bully is a third party (i.e. not employed by NYH), appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/ or their line management about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them. Where appropriate, NYH will attempt to discuss the matter with the third party in order to bring a resolution. Senior Leadership Team must be involved in all such related matters.

6.1 Informal procedure - for allegation of Bullying or Harassment

In line with the Grievance Policy, in the first instance, it is recommended that, where possible, appropriate attempts to resolve the problem informally should be taken.

In some cases an informal approach may be enough to make the bullying harassment or inappropriate behaviour stop, especially where it is unintended and the alleged perpetrator is not aware of the impact of their behaviour. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding of the impact of their behaviour and an agreement that the behaviour will change.

Staff are encouraged to report any instances of bullying, harassment or inappropriate behaviour including sexual harassment whether they experience it themselves or witnesses others being subject to inappropriate behaviour. This includes any behaviour from third parties. NY Highways will deal with all allegations of inappropriate behaviour and with regards to sexual harassment, appropriate involve the Police. All necessary steps will be taken to prevent a repeat of behaviour.

NYH is aware that there may be occasions where adopting a formal procedure is often necessary to resolve situations, such as where the informal approach to attempt to resolve the problem has failed and/or the issue appears to be quite serious so may not be resolved by an informal approach.

6.2 Formal procedure

NYH will not ignore or treat lightly issues raised under this policy.

When an employee raises a complaint of bullying or harassment under this policy, the Grievance Policy and Procedure will be followed to address it. Subject to the nature of the allegations this may also lead to the instigation of the Disciplinary Policy and Procedure

In circumstances of allegations of sexual harassment, this will be under the Disciplinary Policy and Procedure.

If someone experiences sexual harassment at work, they should make a complaint to their line manager (or another appropriate manager) as soon as practicably possible.

It is helpful if the individual can make a note of what's happened. This should include dates, times and names, including any witnesses.

If an individual witnesses someone being sexually harassed at work, they could step in and try to stop it happening, if they feel it's safe to do so. After it's happened, they can support a complaint made by the person who experienced the sexual harassment or report what they have seen or experienced

7. Prevention of Sexual Harassment

NY Highways also commits to regularly engaging with staff through regular 1-2-1s, staff surveys and exit interviews, and open door policies. This is to help NYH to monitor the situation and understand where any potential issues lie and whether the steps the organisation is taking are working.

NYH will also undertake risk assessments will to help comply with the preventative duty regarding Sexual Harassment. This will include a consideration of factors that might increase the likelihood of sexual harassment and the steps that can be taken to minimise them. For example:

- Where are the power imbalances?
- Is there a lack of diversity in your workforce?
- Is there job insecurity for a particular group or role?
- Are staff working alone or at night?
- Do your staff have customer-facing duties?
- Are customers or staff drinking alcohol?

- Are staff expected to attend external events, conferences or training?
- Do staff socialise outside of work?
- Do staff engage in crude or disrespectful behaviour at work?