

Dignity at work policy

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Key messages

This policy is designed to give guidance to all staff on the standards of behaviour the ICO expects of its employees in order to create a working environment where everyone is treated with dignity, respect and in line with the ICO values. In conjunction with the ICO [Dispute Resolution Procedure](#), this policy provides information about the support available to staff and the processes to be followed for dealing with unacceptable behaviour, bullying, harassment, sexual harassment and victimisation.

This policy aims to ensure that everyone knows:

- The accepted standards of behaviour we expect to see to ensure dignity and respect at work for all;
- the standards of behaviour which are not acceptable;
- what support is available to staff who have been at the receiving end of unacceptable behaviour or feel bullied, harassed, sexually harassed, discriminated against or victimised; and



- what steps you can take if you feel that you are not being treated with dignity and respect, including how to make an informal or formal complaint.

Does this policy relate to me?

This policy applies to all employees, agency staff, secondees, contractors, non-executives and other workers of The Information Commissioner’s Office (ICO). Every member of staff is expected to familiarise themselves with this policy.

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1. Introduction

- 1.1 At the ICO, we are committed to providing an inclusive and supportive working environment for all our staff. This includes providing an environment and culture free from intimidation, harassment, sexual harassment, bullying, discrimination, or abuse from colleagues. Additionally, the policy covers unacceptable behaviour away from the workplace such as on business trips, work related events and social functions and includes the behaviour of third parties such as contractors, agency workers, suppliers, or visitors to our premises.
- 1.2 We recognise unacceptable behaviour can create a work environment that interferes with job performance, undermines job security and an individual’s sense of self-worth, can cause serious stress related health issues, lead to higher rates of absenteeism and damage the ICO’s reputation as an employer.
- 1.3 The ICO will not tolerate unacceptable behaviour nor any form of harassment, sexual harassment, bullying and victimisation at any



level of the organisation. Any acts of bullying, harassment and sexual harassment will be dealt with as a serious disciplinary matter. The ICO has a duty of care to protect staff from unlawful discrimination, including sexual harassment and harassment related to age, disability, caring responsibilities, socio-economic status, pregnancy, marital status, race, religion or belief, ethnic or national origin, sex, sexual orientation and gender identity.

- 1.4 We will investigate and deal with all complaints or observations of harassment, sexual harassment, bullying and victimisation promptly, fairly, confidentially and with impartiality, taking action as appropriate to the circumstances of the case.
- 1.5 Sometimes behaviour that is construed as bullying or harassment is actually poor management. In these instances, training and guidance will be provided for the manager concerned.
- 1.6 All staff have the right to complain if they consider they are being harassed, sexually harassed, bullied, or victimised. Employees who suffer such treatment are encouraged to keep a diary of events so that the extent of the problem can be determined. Any employee making a complaint of bullying, harassment or sexual harassment can be assured that they will be protected from any victimisation that could arise as a result of making a complaint.

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2. Definitions

2.1 Dignity

For the purpose of this policy, dignity is defined as 'a personal sense of worth, value, respect, or esteem that is derived from one's humanity and individual social position; as well as being treated respectfully by others' (Lucas, 2015: 622).



2.2 Bullying

Whilst there is no legal definition, ACAS defines bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Power does not always mean being in a position of authority and it can also include personal strength and the power to coerce through fear and intimidation. These persistently negative attacks on the employee's personal and professional performance are often not apparent to anyone else.

Bullying can take the form of physical, verbal, and non-verbal conduct. It can be experienced from manager to subordinate, subordinate to manager, peer to peer, or group of staff to individual. It can be both explicit and insidious (in other words, implied criticism rather than actually stated) and undermines the ability and confidence of the person on the receiving end.

Legitimate, reasonable, and constructive criticism of a workers performance or behaviour, or reasonable instructions to workers in the course of their employment will not amount to bullying.

Examples of bullying can include:

- spreading false or malicious rumours about someone;
- undermining a person's self-esteem, for example by constantly making unfavourable comparisons with others or belittling their status;
- refusing to complete job-related tasks with the aim of undermining someone's authority;
- abuse of a position of authority to undermine a person's individual dignity;
- deliberately undermining a competent worker by overloading or under loading them with work, and constantly criticising them;
- excluding or isolating a colleague, not co-operating with them or victimising them;
- overbearing supervision or withholding information to create obstacles for a person to do their job properly;
- physical or verbal assault, such as shouting; and
- micro-aggressions including indirect, subtle or unintentional discrimination against members of a marginalised group.

Bullying and harassment can be a one-off or repeated acts. They can be intentional or unintentional, happen face-to-face or through other channels of communication including online platforms such as



Teams, via telephone, written communications such as e-mail or text messages, through social media or directed through a third party.

2.3 **Discrimination**

Discrimination is defined by ACAS as the unfair treatment of people or groups based on protected characteristics such as race, sex and gender reassignment, age, disability, sexual orientation, religion or marital/parental status. There are two different types of discrimination direct and indirect.

Direct Discrimination is when someone is put at a disadvantage and treated less fairly because of a protected characteristic.

Indirect Discrimination is when a working practice, policy or a rule is applied to everyone but puts one person or group at a disadvantage because of a protected characteristic.

2.4 **Harassment**

Harassment is defined as any unwanted physical, verbal or non-verbal conduct about any of the protected characteristics as listed in the Equality Act 2010, that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. The Equality Act also classifies harassment as any unfavourable treatment of a person's reaction to harassment related to sex or gender reassignment.

Examples of harassment can include:

- intrusion by pestering, spying or stalking;
- derogator's comments or jokes about a person's race, religion or nationality;
- derogator's comments or jokes about a person's sexual orientation or disability; and
- offensive remarks or gestures aimed at mocking someone with a disability or impairment.



2.5 Sexual Harassment

Sexual harassment is unwanted behaviour or conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. The Equality Act 2010 protects employees, workers, contractors, and job applicants against sexual harassment at work

Examples of sexual harassment can include:

- unwanted behaviour that violates someone's dignity, whether it was intended or not;
- unwelcome sexual advances, such as touching or standing too close;
- creating an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not;
- flirting, gesturing or making sexual remarks about someone's body, clothing or appearance;
- asking questions about someone's sex life;
- telling sexually offensive jokes;
- sexual pranks or teasing;
- sexual advances;
- whistling, leering;
- making sexual comments or jokes about someone's sexual orientation or gender reassignment;
- giving sexually suggestive gifts;
- displaying or sharing pornographic or sexual images, or other sexual content; and
- touching someone against their will, for example hugging them.

What some people might consider as joking, 'banter' or part of their workplace culture is still considered sexual harassment if the behaviour is sexual in nature and/or includes any of the behaviours listed above.

Anyone can be a victim of sexual harassment, regardless of their sex and the sex of the harasser. What matters is that sexual conduct is unwanted and unwelcomed by the person against whom the conduct is directed.

Employees can also experience sexual harassment from a customer, client, or member of the public. The ICO will take all steps to prevent this.



2.6 **Victimisation**

ACAS defines victimisation as treating someone unfairly because of making or supporting a complaint to do with a 'protected characteristic' or the perception you have made a complaint.

2.7 **Inappropriate behaviour**

Although it may not amount to bullying and harassment, the ICO will not tolerate behaviour which is offensive or insulting for the recipient.

Examples of inappropriate behaviour can include:

- offensive comments, language, remarks or jokes;
- displaying offensive or suggestive literature or remarks; and
- wearing clothing (such as a T-shirt) with an offensive motif.

2.8 It is essential to remember that it is not the intention of the perpetrator (the person accused of bullying or harassment) that decides whether bullying or harassment has taken place; instead, it depends on whether the behaviour is unacceptable by reasonable normal standards, and is harmful or unwelcome to the person or people on the receiving end.

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3. Dealing with dignity at work complaints

3.1 If employees wish to raise a formal dignity at work complaint, they should do so in writing and forward to their people manager or the People and Strategy Team.

3.2 All dignity at work complaints or observed breaches of this policy, will be dealt with in accordance with the ICO Dispute Resolution Procedure.

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Version history

Version	Changes made	Date	Made by
1.0		September 2006	Human Resources
2.0	Full policy review	April 2020	Human Resources
2.1	Further policy review	May 2021	TU's and EDI Networks
3.0	Updated following the implementation of the ICO Dispute Resolution Framework	May 2022	HR Operations
3.1	Updated to include section relating to sexual harassment	May 2022	HR Operations

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