



DIGNITY AND RESPECT AT WORK POLICY

AWA DANCE
ADVANCING WOMEN'S
ASPIRATIONS WITH DANCE
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DIGNITY AND RESPECT AT WORK

The policy applies to all volunteers and employees, whether permanent or fixed-term, full-time or part-time, and irrespective of length of service. The policy also applies to others working or associated with the charity, such as agency workers, contractors, freelance artists, volunteers, clients, suppliers and other service providers. Throughout this policy all these categories of workers are grouped as 'employees, contractors and freelance artists'.

- AWA DANCE is committed to protecting the dignity and respect of all those who work together in the organisation.
- AWA DANCE is committed to ensuring that the workplace is free from any form of bullying or harassment, and that our work environment is conducive to providing a high-quality service in an atmosphere of respect, safety and equality.

No bullying or harassment within the workplace or in connection with the work of AWA DANCE will be tolerated. This policy extends to behaviours that occur outside the normal working environment, such as at social functions, festivals, award ceremonies, residencies, workshops or training events that are connected in any way with the charity's work or a particular project. Complaints of bullying or harassment may be dealt with either in an informal or a formal way, or by alternative means, as outlined below.

Complaints from volunteers, employees or other persons in the working environment, of bullying or harassment at work, will be treated with fairness, sensitivity, respect and (as far as possible) confidentiality for all parties concerned. Any person accused of bullying and/or harassment will be and treated in an unbiased manner with fairness and sensitivity.

The charity's management, its volunteers, employees and any other person engaging with the organisation has responsibility for creating and contributing to the maintenance of a work environment free from bullying and/or harassment. The charity has a duty of care and is responsible for the prevention of incidents of bullying and/or harassment, and acting promptly should any incidents be brought to our attention. Volunteers, employees, contractors and freelance artists also have an obligation to cooperate with the investigation of complaints of bullying and/or harassment in the working environment. Volunteers, employees, contractors and freelance artists who make a complaint, or participate in the investigation of a complaint, will not be subject to victimisation of any kind for doing so.

This policy extends to behaviours that occur outside the ordinary working environment, such as at social functions or training events, provided there is a connection with the charity's work and the people working with it.

HARASSMENT, SEXUAL HARASSMENT AND BULLYING

Harassment is any form of unwanted conduct that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Harassment is related to any of the following grounds:

- Family status
- Civil status
- Sexual orientation
- Religious belief (or lack thereof)
- Gender
- Age (16+)
- Race, colour, nationality or ethnic or national origin; or
- Membership of the Travelling community
- Disability.

For the above definition of harassment, conduct includes acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. To constitute harassment, the behaviour can be a one-off event or persistent and repeated behaviour. The following are some specific examples of the forms such conduct might take:

- Verbal harassment – spoken words, shouting, ridicule, unfair or excessive criticism, jokes, comments or songs
- Physical harassment – pushing, shoving or any form of assault
- Written harassment – including production of text messages, emails or notices
- Intimidatory harassment – gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Isolation or exclusion from social activities
- Excessive monitoring of work
- Unreasonably changing a person's job content or targets
- Pressure to behave in a manner that the person thinks is inappropriate – e.g. being required to dress in a manner unsuited to a person's ethnic or religious background where there is no objective need to do so.

These examples are not exhaustive, and conduct of a similar nature is also prohibited and will be dealt with appropriately.

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

It is up to each individual to decide which behaviour is unwelcome, irrespective of the attitude of others to the matter. If the individual involved is a minor or a vulnerable adult, our Safeguarding Policy's principles apply.

For the purposes of the above definition of sexual harassment, conduct includes acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. Sexual harassment may occur between men and women or between persons of the same gender. A single incident may constitute sexual harassment. The following are some specific examples of the forms such conduct might take:

- Non-verbal conduct of a sexual nature – looks, gestures, whistling, suggestive symbols, pictures, written materials, faxes, emails or text messages
- Verbal conduct of a sexual nature – advances, propositions, suggestions, jokes, comments or innuendo and continued suggestions for social activity outside the workplace
- Physical conduct of a sexual nature – groping, kissing, fondling, patting, pinching, unnecessary touching, assault or rape
- Gender-based conduct – conduct that denigrates, ridicules or is intimidating or physically abusive of a person because of his or her sex, such as derogatory or degrading abuse or insults that are gender-related.

These examples are not exhaustive, and conduct of a similar nature is also prohibited and will be dealt with appropriately.

A person is protected from different treatment because he/she/they has/have rejected or accepted harassment or sexual harassment.

Bullying in any form is prohibited in the name of AWA DANCE. Bullying is defined as repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, in the ordinary working environment, or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work.

An isolated incident of the behaviour described in this definition may be defined as harassment and may be an affront to dignity at work, but, as it is not repeated, it is not considered to be bullying.

The following is a non-exhaustive list of examples of types of bullying, and behaviour of a similar nature are also prohibited and will be dealt with accordingly:

- Being treated less favourably than colleagues
- Verbal abuse, insults
- Humiliation
- Intimidation, aggression or threatening behaviour
- Isolation or exclusion with negative consequences
- Intrusion by pestering, spying and stalking
- Repeatedly manipulating a person's job content and/or targets
- Withholding work-related information
- Unfair and excessive criticism
- Undermining behaviour
- Excessive monitoring of work.

The behaviour must reasonably be capable of undermining dignity at work.

Bullying is behaviour that is inappropriate at a human level – e.g., purposely undermining an individual, targeting them for special negative treatment, the manipulation of their reputation, social exclusion or isolation, intimidation, aggressive or obscene behaviour, jokes that are obviously offensive to one person, intrusion by pestering, spying and stalking. These are all examples that share the feature that they are unacceptable at the level of human interaction.

The intention of the perpetrator of bullying or harassment is irrelevant.

The fact that the perpetrator has no intention of bullying or harassing the victim may not be a defence.

Performance management: The reasonable and essential discipline arising from the good management of the performance of a person at work does not amount to bullying or harassment. Similarly, an action taken that can be justified regarding the safety, health and welfare of people does not amount to bullying or harassment.

FORMAL GRIEVANCE & INFORMAL COMPLAINTS PROCEDURE

All employees, contractors and freelance artists have a right to raise a grievance if they feel they have been bullied and/or harassed, and they should follow the steps in the following procedure. All grievances will be taken seriously, and the procedure will be handled in an unbiased manner with fairness, sensitivity and due respect for the rights of both the complainant and the alleged perpetrator. There is a two-tiered approach in the procedure – informal and formal – to address the issue of bullying or harassment in the working environment.

During any investigation into a grievance, the principles of natural justice must be adhered to. External assistance may be necessary to deal with complaints in some circumstances to ensure impartiality, objectivity and fairness in an investigation.

The informal procedure & method of making an informal complaint

- Any person who believes that he or she is being bullied or harassed should, where possible, indicate directly to the person complained of that the behaviour in question is unacceptable.

- If the person believes that this approach is not suitable or has been unsuccessful, they may then make an informal complaint.

1) Informal complaints should be addressed to Avatâra Ayuso, Director of AWA DANCE.

2) Where the charity's director is the subject of the informal complaint or grievance, the person should raise it with the Chairs of Directors Rosa Cisneros (contact email: ab4928@coventry.ac.uk) and Vanessa De Ruggeris (contact email: vanessa.dr@hotmail.com) and designated board member who deals with such issues. The appointed designated person may assist in engaging an external party to facilitate resolving the issue.

- An informal complaint may be verbal or written.
- AWA DANCE will designate a person to respond. If made verbally, a written note will be taken by the designated person and a copy given to the complainant.
- The facts and context will be established, and the next course of action in dealing with the matter under the informal procedure will be determined. Other possible courses of action available to the complainant, including mediation, will be discussed.
- If the complaint concerns bullying and/or harassment and includes specific examples of unacceptable behaviour, the alleged perpetrator will be presented with the complaint and given a chance to respond.
- After the response is received (or a reasonable period of time has elapsed without a response having been received), a method will be agreed to progress the issue to resolution so that both parties can return to a harmonious working environment without bullying or harassment being a factor.
- If the behaviour complained of does not concern bullying or harassment as defined above, an alternative approach will be put in place and the rationale recorded.
- If no specific examples are provided, there is no complaint to be answered under this policy. Other means of protecting and repairing workplace relationships may be considered by the designated person responding.
- A record of all stages of the process, the informal complaint, agreed actions, and signed records of any meetings will be kept. The purpose of the records, which will not include details of discussions, is to provide evidence that the complaint was dealt with in an appropriate manner.
- All parties will maintain, insofar as possible, the confidentiality of the informal process. Breaches of confidentiality will be treated as a serious disciplinary matter.
- When resolution is found through the informal procedure, both parties will be given support or periodical reviews, as appropriate. These may include counselling or other appropriate interventions.
- Where a complaint is found not to have been made in good faith, the complainant may be subject to disciplinary action.
- Mediation is an alternative method of resolving issues relating to bullying and harassment. Mediation involves the parties seeking to arrive at a solution through mutual agreement, rather than through an investigation and decision.

Mediation provides a confidential opportunity for the person who feels that he/she/they has/have been bullied or harassed, and the alleged perpetrator, to discuss the matter and to reach an agreement on their continuing working relationship.

Mediation is conducted in private, directly between the parties concerned, with the support of a mediator, who will act as an independent facilitator. Either party may withdraw from the process at any time by notifying the mediator, in writing, that they wish to do so.

If both parties agree to resolve the issue by mediation, Avatâra Ayuso, Director of AWA DANCE will be responsible for organising and managing this process. If the charity's director is the subject of the informal complaint or grievance, the Chair of Directors and designated board member who deals with such issues will be responsible for organising and managing this process. The appointed designated person can assist in organising a mediator. An appropriate person, acceptable to both parties, from within or outside the organisation, will be assigned as mediator.

If the mediation process results in an agreement acceptable to both parties, the mediator may draw up a written record of the terms for signature by both parties.

If the matter is resolved by mediation, no disciplinary action will be taken.

If mediation breaks down or fails to achieve its goal, the matter will be subject to formal investigation. A person involved in the mediation process will not be involved in the investigation process. Resolving the matter by investigation may also be considered if the person concerned feels that it is inappropriate to resolve the matter by mediation.

The formal grievance procedure and method of raising a formal grievance

- In cases where a person believes that an informal resolution is not a suitable means of addressing his/her/their concern(s), or where the person believes that their previous recourse to the informal complaint's procedure has been unsatisfactory, a person may raise a formal grievance. Choosing to bypass the informal process will not reflect negatively on the person concerned.
- In cases where a person makes an informal complaint, but where management believes, because of the gravity of the subject matter of the complaint or for some other reason, that the informal complaints procedure is inadequate to address the issue, it may be dealt with by using the formal grievance procedure.
- Formal grievances should always be made in writing, signed and dated. The grievance should be confined to precise details of alleged incidents of bullying and/or harassment, including the dates of such incidents and the names of any witnesses.
- Formal grievances should be addressed to Avatâra Ayuso, Director of AWA DANCE. If the charity's director is the subject of the grievance, the grievance should be addressed to the Chairs of Directors Rosa Cisneros (contact email: ab4928@coventry.ac.uk) and Vanessa De Ruggeris (contact email: vanessa.dr@hotmail.com) and designated board member who deals with such issues. The appointed designated person may investigate or assist in planning the formal investigation.
- On receipt of a formal grievance, an investigatory panel will be designated by Avatâra Ayuso, Director of AWA DANCE. The investigatory panel may consist of up to two persons and may include management or board representatives. The charity may engage an external independent investigator/s if it is deemed appropriate in the circumstances. In exceptional circumstances if either party has an objection to the investigatory panel the charity's director may designate an alternative panel. An objection to the designated investigatory panel must be made in writing to the the charity director in a timely fashion and must clearly outline the grounds of the objection.
- Where a formal grievance is raised but the complainant declines to submit a written statement, then a written record will be made of the grievance by the investigatory panel. The complainant will be asked to sign the written record.

- If the complainant refuses to sign the written record, the complainant will be made aware that the ability of AWA DANCE to investigate the complaint on a formal basis may be compromised by any failure of the complainant to cooperate with the procedure in place. Efforts will be made to clarify this issue before any further steps are taken.
- The complainant will be advised of the aims and objectives of the formal grievance process, the procedures and time frame involved, and the possible outcomes. He/she/they will be assured of support as required throughout the process. He/she/they will be given a copy of this policy.
- The formal investigation will be governed by the terms of reference, which will include the following provisions:
 1. A provision to the effect that the investigation will be conducted in accordance with this policy
 2. An indicative time frame for the completion of the investigation
 3. Provisions relating to the scope of the investigation, indicating that the investigator will consider whether the complaint falls within the definition of bullying or harassment at work and whether the complaint has been upheld
 4. The complainant has the right to be accompanied in any meetings by a colleague or union representative
 5. The process in place to appeal any grievance decision (detailed below).
- The alleged perpetrator will be notified in writing that an allegation of bullying and/or harassment has been made against him/her/they. They will be advised of the aims and objectives of the formal grievance procedure and investigation process, the time frame involved, and the possible outcomes. They will be assured of support, as required, throughout the process. A meeting will be organised at which he or she is given a copy of the complaint in full and any other relevant documentation, including this policy. They will be given time to consider the documentation and an opportunity to respond.
- The investigatory panel will meet with the complainant, the alleged perpetrator, and any witnesses or relevant persons, on an individual basis, with a view to establishing the facts. The complainant, the alleged perpetrator, and any witnesses will be reminded that they are entitled to be accompanied by a colleague or union representative, if applicable, at any meeting.
- All interviews with parties and witnesses will be conducted sensitively and with due respect to the rights of all concerned. The investigation will be conducted on a confidential basis, insofar as that is possible.
- Statements from all parties and witnesses will be recorded in writing. Copies of the statements will be agreed with, and given to, those who make statements to the investigatory panel.
- During the investigation all parties will continue to work normally, unless directed otherwise. Where necessary, parties to the complaint will be suspended with full pay to allow for a fair and thorough investigation. Such suspension is not a disciplinary sanction, and this will be made clear to the relevant parties.
- The management will make every effort to ensure the protection of all involved in the investigation.
- The parties to the complaint should not communicate regarding the complaint.
- Any effort by any party to intimidate or otherwise influence any complainant, alleged perpetrator or witness during an investigation will be regarded as a disciplinary matter of the upmost gravity.

- All data gathered throughout the investigation will be stored securely in compliance with GDPR (<https://www.gov.uk/data-protection>) and only shared on a need-to-know basis where necessary.
- The objective and conclusion of an investigation will be to ascertain whether, on the balance of probabilities:
 1. The behaviour complained of occurred, and, if so,
 2. Whether or not that behaviour amounted to bullying and/or harassment, as defined,
- It will be for the designated investigatory panel to determine if there is a case to answer based on the definitions of bullying and harassment outlined in this policy.
- The investigation will be completed as quickly as practicable, preferably within the time frame indicated in the terms of reference. The investigatory panel will submit a report to the charity's director which will include the conclusions. The report will be examined for thoroughness, objectivity and reasonableness. The complainant and the alleged perpetrator will be given a copy of the report as soon as practicable by the charity's director and will be given an opportunity to comment, within a prescribed period, before the management decides on any further course of action.
- The management will decide the action that is to be taken considering the investigatory panel's report and any comments made by the parties. The management will then, in writing, inform the complainant and the alleged perpetrator of the next steps which are to occur.

Action where the grievance is upheld

If the grievance is upheld, the matter will be treated as a serious disciplinary issue, and the management will follow the appropriate disciplinary procedures with the relevant employee, contractor or freelance artist, which may lead to disciplinary action up to and including dismissal. If the perpetrator is not an employee – e.g. if he/she/they are a contractor or a freelance artist – other appropriate measures will be taken.

The management may also take other appropriate action to support and protect the complainant and/or ensure that similar situations do not arise in the future.

Action where the grievance is not upheld

If the grievance is not upheld but the complainant is found to have acted in good faith, the management may take appropriate measures to support both the complainant and the alleged perpetrator. This will include taking appropriate measures to ensure that other parties to the investigation are made aware that the grievance was not upheld.

Where a grievance is not upheld and is found not to have been made in good faith, the complainant may be subject to disciplinary action. The same principle will apply to witnesses giving evidence in bad faith.

Preservation of rights and prevention of victimisation

Making an informal complaint or raising a formal grievance under this policy will not affect an employee's statutory rights. No one will be victimised for making a complaint in good faith or for acting in good faith as a witness in an investigation.

Appeals

If either party is dissatisfied with the outcome of the formal grievance procedure, they may lodge an appeal within seven working days of receipt of notification of the outcome of the process. The parties will receive the outcome of the appeal via email within up to 30 working days.

The reason for the appeal should be outlined in writing to the charity's Director. The appeal will be heard by another person(s) of at least the same level of seniority as the original investigator/investigatory panel. The appeal will focus only on the aspect of the case cited by the appellant as being the subject of the appeal.

The grounds of the appeal and any outcome and methodology employed will be appended to the investigation file. Please note that the final report of the investigation itself will not be subject to amendment.

Resolution

Both parties will be given appropriate support and periodical reviews, insofar as is reasonable, after the formal process has been concluded.

External investigation

In any situation where, by reason of the size of the management team, seniority of a complainant or of an alleged perpetrator, or for any other reason it is not appropriate for a formal grievance, informal complaint or appeal to be investigated by the management, AWA DANCE reserves the right to appoint an appropriate external person to carry out the formal investigation. Any such external person will carry out his/her/their functions in accordance with the provisions of this policy, and AWA DANCE will give appropriate effect to the findings of such external person.

If any volunteer, employee, contractor or freelance artist has any question or query about the operation of this policy, or requires any clarification about it, they may approach the appointed designated person for advice, which will be given in strictest confidence. Please note that speaking to the appointed designated person is not the same as raising a formal grievance or making an informal complaint. Avatâra Ayuso, Director of AWA DANCE (contact email: avatara@awadance.org) has been designated as the contact person in respect of this policy, and the Chair of Directors Rosa Cisneros (contact email: ab4928@coventry.ac.uk) and Vanessa De Ruggeris (contact email: vanessa.dr@hotmail.com) and designated board member who deals with such issues can also be contacted where necessary.

This policy may be amended from time to time at the discretion of AWA DANCE.