



## Equality and dignity at work policy

### 1. Policy statement

- 1.1 Ofwat is committed to creating an environment of positive working relationships. To preserve and protect such an environment, the organisation has policies and procedures that set out standards of conduct that must be observed and enable staff to raise concerns, to be provided with a response and for those concerns to be addressed in an appropriate forum and to obtain an appropriate remedy. Ofwat believes that every employee has the right to be treated with equality, dignity and respect in the workplace and is committed to providing a supportive working environment to foster such a culture. By addressing unacceptable behaviour and promoting positive behaviour this procedure fully underpins Ofwat's vision and values.

All staff within Ofwat should be valued for their different skills and ways of working and be treated with dignity. It is important to ensure that discrimination does not occur in the workplace for reasons of:

- Policy: Ofwat's commitment to its Joint Equality Scheme 2010 to 2013 includes a commitment to treat people fairly and to provide equal opportunities whilst respecting people's differences.
- Legality: discrimination on the grounds of race, gender, gender identity, disability, religion and belief, sexuality and age are all potentially unlawful.
- Efficiency and finance: it is good management practice to ensure that everyone is valued equally. Staff experiencing discrimination are more likely to underperform, be demoralised and absent from work, at a cost to the individual and the organisation.
- Reputation: as a Regulator, and a public service, discriminatory practice can undermine public confidence in the integrity of the organisation.

In summary, all employees are entitled:

- To be treated with dignity, respect and courtesy.
- To a workplace free from bullying, harassment or victimisation.
- To experience no form of discrimination.
- To be valued for their skills and abilities.
- To be appointed and developed on the basis of merit.

**1.2** An environment which values the diversity of people and aims to enhance individual potential will recruit, retain and develop people on merit and attract the best staff from the widest pool of talent. Ofwat needs to be diverse and representative of the local community, and a place where people value each other.

To achieve these aims we will:

- Ensure that employment selection decisions are based on objective, open, fair, non-discriminatory job related criteria, and that procedures are consistently applied and evaluated.
- Observe the terms of Civil Service Conduct and Business Appointment rules
- Keep under regular review and improve our HR processes and practices – including recruitment, selection, appraisal, ‘acting-up’, training and development, grievance, discipline and capability procedures – to ensure that they are open and transparent, do not discriminate and that they do encourage equity in representation and experience.
- Collect and publish information on the gender, ethnic origin and disability of applicants for jobs, transfers, training and promotion, and compare this with relevant information about the labour market both locally and nationally
- Set measurable objectives and goals within our published Joint Equality Scheme for future action and develop systems through which we can communicate and publicise our progress and achievements.
- Develop the potential of all staff. We will work positively to identify barriers to progress, including the acknowledgement of domestic

circumstances, and take action to remove these or assist, including mentoring, coaching, and training/development.

- Monitor the career development of our staff, examining the reasons for any significant disparities between different groups and developing appropriate action plans.
- Regularly train all staff involved in the recruitment, selection and management of people, in order to increase awareness and understanding of equality and diversity issues.
- Draw on Civil Service and Government initiatives and other best practice aimed at improving diversity.

**1.3** Ofwat will view unfair and discriminatory behaviour as a potentially serious disciplinary offence that may lead to dismissal. The Grievance procedure provides a mechanism for staff to challenge unfair treatment and to have any complaints resolved. Managers at all levels are ultimately responsible for upholding the standards of conduct outlined in this framework, and everyone is responsible for their own conduct.

## **2. Objectives**

**2.1** The aim of the Equality and Dignity at Work Policy is to ensure that all members of staff understand that they have a duty to respect all fellow workers, be they managers, colleagues, contractors and service users, and to promote positive working relationships. They have the right to be treated with equality, dignity and respect and the right to seek redress about actions, language or behaviour that they feel contravenes this policy and does not respect their dignity at work or the dignity of fellow worker.

## **3. Scope**

**3.1** The standards of behaviour outlined by this policy underpin relationships between a manager and the staff they manage (including the way that a member of staff behaves towards their manager) and between staff as a peer group. It includes staff who are permanent, fixed term or working through an agency or seconded in or out of the organisation. Behaviour that is unwanted, unwelcome and undermines a person's dignity at work is unacceptable behaviour. This includes behaviour that might unreasonably threaten a person's job security, promotion prospects or create an intimidating working environment. Behaviour may be perceived as unacceptable, even if there was no intent to cause offence. Behaviour may have overtones that a member of

staff finds offensive, and may be discriminatory under the Law, even if it was not directed at them personally.

- 3.2** Unacceptable behaviour can take many forms and can range from physical attack to more subtle conduct. It can include actions, jokes or suggestions that might create a stressful working environment. It can also include the production, distribution, display or communication and discussion of material that may give rise to offence. It includes behaviour which deliberately or inadvertently excludes individuals from normal activities in the workplace. Types of behaviour that can be seen as unacceptable are given within this policy document, under Section 8 and Appendix D.
- 3.3** Unacceptable behaviour excludes legitimate actions by a manager to support and encourage an employee to perform against key objectives and to manage performance appropriately. It also excludes legitimate actions taken within the disciplinary or other formal procedures. It does not exclude persons in authority who use their position to bully, abuse or harass others, or assume a threatening or intimidating management style. Practices which are discriminatory or potentially discriminatory do not count as legitimate action (for example, holding a team meeting at 7.30am, which can be potentially discriminatory against those with childcare or other responsibilities for dependants).
- 3.4** In addition to this policy every employee is subject to the terms of the Civil Service Code. The Ofwat Equality and Dignity at Work policy is complementary to the Civil Service Code.

## **4. Responsibility of managers**

- 4.1** All board members and non-executive directors, managers and staff share the responsibility to create an environment where we can make measurable progress on equality and diversity and where we genuinely respect people's differences.
- 4.2** Directors and senior managers have an overriding responsibility in eradicating language or behaviour that is contrary to this policy by fostering an atmosphere of dignity and respect and managing people in a professional and respectful manner. They are responsible for ensuring that these standards of behaviour are known to all staff. They are also responsible for ensuring that their own behaviour is of the highest standard and that appropriate and prompt action is taken on offensive behaviour.

**4.3** All line managers are responsible for setting a good example by treating all employees with dignity and respect. They are responsible for ensuring that all their staff are aware of the behaviour expected of them and that unacceptable conduct is challenged and corrected. Managers are expected to foster an open, fair, equitable culture, managing conflict, and developing, empowering and sustaining individuals and teams. Managers are expected to treat as potentially disciplinary, instances of inappropriate conduct, language or behaviour by individuals.

Examples of good management practice are:

- setting achievable time limits and standards of work;
- positively supporting the performance of individual workers e.g. through induction, personal development and appraisal;
- addressing matters of performance, attendance and conduct through the appropriate procedures on the occasions where they fall short of acceptable standards in a prompt and professional manner; and
- applying the relevant procedures fairly.

**4.4** Ofwat will support managers who legitimately discharge their management responsibilities properly and reasonably. Failure by managers to enforce the policy may result in action being taken under Ofwat's disciplinary procedures.

## **5. Responsibility of individual members of staff**

**4.5** All employees are expected to treat colleagues, managers, stakeholders or members of the public to whom they provide a service within Ofwat's principles of equality, dignity and respect by:

- providing services in a fair and reasonable way and dealing with colleagues, clients and customers with consideration and politeness;
- engaging positively in measures designed to support performance e.g. induction, personal development and appraisal;
- participating fully where managers use Ofwat's procedures to address matters of performance, attendance and conduct;

- not aiding or colluding in cases where employees, clients or customers are treated in a manner which contravenes this policy and have a responsibility to report all such instances;
- ensuring their colleagues are aware if conduct or behaviour is a cause of concern or offence to either themselves or others and by providing support to a person subject to such conduct or behaviour; and
- not engaging in intimidation, victimisation, retaliation or discrimination towards a person who makes a complaint against you or a colleague.

## **6. Legal framework**

**6.1** It is unlawful to discriminate directly or indirectly against someone on the grounds of their colour, race, ethnic origin, sex, sexual orientation, marital status, disability, religion or belief, or age. It is also unlawful to apply pressure to discriminate or to aid discrimination by another person. The organisation has an obligation to treat issues that contravene this policy seriously and enable and support employees to resolve issues through the appropriate procedure. If the complainant believes that the incident(s) constitute direct or indirect discrimination on these grounds, they should immediately report this to the HR team so that a formal investigation may take place. Ofwat will thoroughly investigate any potentially unlawful acts committed by employees in connection with and during the course of their employment.

**6.2** The legal framework that supports this policy includes the following.

- Equality Act 2010
- Employment Act 2002 (Dispute Resolutions) Regulations 2004
- Employment Relations Act 1999
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Employment Rights Act 1996
- Health and Safety Act at Work 1974

## **7. Definitions**

- 7.1** Language or behaviour which could contravene this policy takes many forms, occur on a variety of grounds and may be directed at an individual or group of individuals. Language or behaviour which one person finds acceptable may not be acceptable to another. It includes unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.
- 7.2** Inappropriate language and behaviour can exceed examples contained within this policy and can arise from a single factor or a combination of factors. The examples given should not be deemed as either exclusive or exhaustive.

## **8. What is inappropriate language or behaviour?**

- 8.1** It is unacceptable for any employee to behave or use language in a way that results in physical, mental or psychological hurt, whether intended or not.
- 8.2** Inappropriate behaviour can range from extremes such as violence, to less obvious forms like ignoring someone. Whatever the form, it will be unwanted behaviour which is unwelcome and unpleasant.
- 8.3** Inappropriate behaviour may be direct or indirect. The main thing to consider is that it is not only the acts or words, but how the person on the receiving end perceives the behaviour. If it is behaviour which is unjustified, unwarranted, unwanted, uninvited and unreciprocated then it needs to be addressed.
- 8.4** Firm but fair management is not to be confused with behaviour that contravenes this policy. Managers are expected to deal with employees fairly and consistently through appropriate procedures. Managers are expected to raise concerns with employees about competence, ill health or conduct in appropriate circumstances and manage these in a positive and supportive way, using the appropriate procedure (see the Performance Management, Absence Management and Disciplinary Procedures) Equally, employees are expected to co-operate with their manager in addressing and taking appropriate action to improve areas of concern.
- 8.5** A more extensive list of examples of conduct contravening this policy is given in Appendix D.

## **9. Effects of actions, language or behaviour that undermine dignity and respect**

- 9.1** The effect of actions, language, or behaviour which contravenes this policy can be extremely damaging not only to the individual but to everyone

involved. The subject of such conduct may suffer from physical and/or emotional symptoms, e.g. disturbed sleep or loss of confidence. Individuals may be personally affected and their performance may deteriorate, thus impacting on service delivery. This can also impact upon an individual's self esteem and family relationships.

- 9.2** As an employer, Ofwat is legally responsible for individuals' health and safety at work. This obligation extends to employees' mental and emotional health, where events and attitudes in the workplace may be detrimental.

## **10. Procedure for dealing with contraventions to the policy**

- 10.1** Ofwat will consider seriously and confidentially any allegations of inappropriate behaviour providing they are made in good faith. The organisation recognises that staff may fear victimisation for making or being involved in a complaint and is therefore committed to ensuring complainants do not suffer as a result of raising a complaint. Confidential informal advice from a Trade Union Representative or HR team member is available if individuals are unsure of how to pursue a concern.

- 10.2** Where an employee believes that the conduct of another employee is in breach of this policy they may choose to:

- deal with the matter themselves, informally;
- involve a colleague to assist in dealing with the matter informally;
- make use of a Trade Union representative in a mediation, advisory or support role;
- make use of a member of the HR team in a mediation, advisory or support role; or
- pursue the matter formally via the HR team with investigation procedures under the Grievance policy.

- 10.3** Every attempt must be made to resolve complaints at the lowest possible level and at the earliest possible stage. Use of mediation is encouraged to achieve this where possible.

## **11. Informal procedure**

- 11.1** Informal action can be taken in the following ways.

- a) An approach to the person considered to be using inappropriate language or behaving inappropriately, with an explanation of why their language or behaviour is unacceptable.
- A request for them to stop
  - A reference to this policy
  - Keeping a note of when the approach was made and what happened
- b) A letter to the person covering the same points could be considered if the complainant feels unable to approach the person. A copy of the letter should be kept.
- c) Through HR, request advice or mediation.

## **12. Formal steps: the grievance procedure**

See Appendix E for link to Grievance policy.

## **13. Support for staff**

- 13.1** Ofwat will not tolerate intimidation, victimisation, retaliation or discrimination against an individual for raising a complaint in good faith or assisting in an investigation – whether or not the complaint is upheld.
- 13.2** Malicious complaints will not be tolerated and will be pursued in order to determine whether action could be taken for a disciplinary offence. Any disciplinary offence will be dealt with in accordance with Ofwat's Disciplinary procedures.
- 13.3** Trade Union Members may elect to take advice from their representative. HR can be consulted for procedural advice.
- 13.4** As well as HR being available to advise on the process, access to confidential counselling can be made available through Ofwat's Employee Assistance Programme.
- 13.5** In appropriate circumstances, and if both parties agree, they will be referred to formal external mediation in an attempt to establish positive working relationships. The relevant department will pay for such mediation.

## Appendix A

### Equality and dignity at work guidelines for managers

These guidelines should be read in conjunction with the Equality and Dignity at Work Policy. They are intended to equip managers to deal sensitively, fairly and effectively with complaints made under this policy. Where possible it is recommended that managers use informal procedures to resolve complaints.

1. Managers should:
  - listen to the problems faced by staff and the effect it may be having on their well-being;
  - recognise that the 'perception' of what has been reported is often as important as the fact and will be 'real' to the aggrieved;
  - be sensitive to the fact that making a complaint is likely to be a distressing experience and only made after considerable thought;
  - understand that for this reason, it may be difficult for a complainant to discuss a complaint direct with management;
  - accept that the first approach may come from a third party, e.g. colleague, Trade Union representative or other manager.; and
  - explore whether the management action complained of could be a legitimate attempt to manage performance.
2. When complaints or reports of inappropriate language or behaviour are brought, either formally or informally, they must be dealt with immediately, thoroughly and fairly to both parties.
3. Depending on circumstances and the facts of the complaint or report, judgement should be used to determine events on the balance of probability and thus enable a decision to be made on the best course of action. The HR team is available to give advice.
4. As far as possible, confidentiality will be respected. However, in accordance with the Data Protection Act, subject access will be granted to personal information except where the duty of confidentiality is established and the third party refuses consent to disclosure of the information requested and that the reasons for such refusal are reasonable within the terms of the Act.

5. Do not make pre-judgements. Care should be taken to avoid unjustifiable damage to the career and reputation of either party.
6. Where possible, records should be kept of all incidents of the conduct, language or behaviour that is considered to be inappropriate. This should include date(s) time(s) and details of any witnesses. It will be difficult to investigate any allegations made without specific examples.
7. Complaints must be made promptly and in writing as allegations that took place some time ago are difficult to investigate. All cases will be considered on their merits and investigated accordingly.
8. To minimise further conflict and to protect the interests of all parties, the organisation may consider, in consultation with HR, suspending the alleged perpetrator from work or moving him/her to a new work location pending investigation resolution of the complaint, under the terms of the Disciplinary policy. Note however, that suspension is not a neutral act and so would only be used as absolutely necessary.
9. The appropriate manager is empowered to investigate all aspects of the complaint, to report and to make recommendations about what actions should be taken to resolve the matter. The appropriate line manager will ensure that HR is aware to enable them to advise either party on the process to be followed. HR support will be allocated to both parties to advise staff on the process to be followed. The investigation process will be initiated as quickly as possible, and completed as promptly as thorough investigation of the issues will allow.
10. A confidential written report will be produced, summarising the complaint, the result of the investigations, including conclusions and recommendations and will be submitted to the Director of Corporate Services and Programme Management or his/her representative. Records will be kept detailing the nature of the complaint raised, documents relating to the investigation, relevant information, any action taken and the reasons for it. These records will be kept confidential and retained in accordance with the Data Protection Act 1998 (DPA) which requires the release of certain data to individuals upon their request. In certain circumstances, however, and in accordance with the DPA, it may be appropriate to withhold some information.
11. The report will recommend one of the following courses of action.
  - not to uphold the complaint, with reasons given for the decision and where appropriate recommendations for future action;

or

- to uphold the complaint and undertake mediation between the perpetrator/complainant;

or

- to recommend a formal disciplinary hearing to take place. (See Disciplinary policy).

- 12.** It is unlikely that anonymous complaints can be dealt with under this procedure.
- 13.** In all cases, records of reported incidents will be kept for monitoring purposes by HR. Where further action is not required, all information will be held anonymously, for statistical purposes only.

## Appendix B

### Equality and dignity at work guidelines for staff

If you feel you are the subject of language or behaviour which may contravene this policy, or have witnessed this, there are a number of things that you can do, informally and formally.

#### 1. Informally

You are encouraged to try and resolve your complaint informally, unless its nature is such that informal action would be inappropriate and formal action is required. Informal action can be taken in the following ways: -

- 1.1 Approach the person you feel is behaving inappropriately and explain why you find their language or behaviour unacceptable.
  - Ask them to stop.
  - Refer to this policy.
  - Keep a note of when you made this approach and what happened.
- 1.2 If you feel unable to talk to the person you could write to them, covering the same points. Keep a copy of the letter.
- 1.3 Ask someone else, such as your Trade Union representative, to approach the person on your behalf or come with you. Again keep notes of any approach being made.
- 1.4 Request advice from HR or your Trade Union representative.

#### 2 Formally

- 2.1 If you believe that none of the above actions would bring about a satisfactory resolution to your complaint or you feel unable to act yourself, HR will ensure that an appropriate manager formally investigates your complaint, under Ofwat's Grievance procedures. There are some legal requirements which may result in wider investigation e.g. criminal activity. Your complaint will nevertheless be treated professionally, with sensitivity, fairness and effectiveness.

- 2.2** If your complaint is against your manager then an appropriate more senior manager will carry out the investigation.
- 2.3** You must be prepared to be interviewed about the alleged behaviour or incidents and to make a statement. As far as it is possible, this will be in confidence except in the event that criminal activity is exposed.
- 2.4** If there are witnesses to such language or behaviour they too are likely to be interviewed. Again, as far as it is possible, confidentiality will be maintained.
- 2.5** The HR team member allocated to advise you will keep you informed of the progress of the investigation throughout.
- 2.6** If in the course of the investigation, it is believed that there have been actions of misconduct then the matter will be concluded under Disciplinary procedures and you may be asked to participate as a witness.
- 2.7** Where matters are felt to be best resolved by either external or internal mediation you should be prepared to engage with this approach.
- 2.8** In a situation where you believe that wrongdoing results in:
- a criminal offence;
  - a failure to comply with a legal obligation;
  - a miscarriage of justice;
  - the endangering of an individual's health and safety;
  - damage of the environment; or
  - deliberate concealment of information tending to show any of the above.

You may alternatively raise your concerns through the Whistleblowing procedure. (See Whistleblowing Policy). This should not, however be used to reconsider any matter that has already been addressed through the Grievance, Disciplinary or other Ofwat or Civil Service procedures.

## Appendix C

### Guidelines for staff accused of inappropriate conduct, contravening the Equality and dignity at work policy

If someone believes that you have used inappropriate language or behaved inappropriately, they or a friend may approach you about this. If following their approach, they believe your conduct remains inappropriate then they may raise their complaint formally. They may, however, formally raise their complaint or report directly without first raising the matter informally with you. HR staff are available to advise on any processes that might follow.

#### 1. Informally

- 1.1 The aim of an informal approach is to resolve the situation quickly, with the least distress to either party. The individual who approaches you about your language or behaviour may be anxious and nervous, and your reaction, whether at the time or after, will be important. Try not to over-react. Be prepared to listen and discuss matters rationally and sensibly and to try and find a way forward together, for example with mediation.
- 1.2 Look and reflect on the conduct in question and ask yourself why the complaint has been made and whether someone could perceive your actions, language or behaviour as inappropriate and in contravention of this policy.

#### 2. Formally

- 2.1 If a complainant feels that dealing with the matter informally is not appropriate, he/she has the right to make a formal complaint or report.
- 2.2 The complaint or report will be investigated under the Grievance procedure. An appropriate manager will conduct the investigation.
- 2.3 If you are a manager and have an allegation of inappropriate behaviour raised against you, then a more senior manager will document the complaint, conduct and report on the investigation. Complaints against Directors or Non-executive Directors will be dealt with by the Chief Executive.
- 2.4 You must be prepared to be interviewed about the allegations. You may be accompanied in interviews by a colleague or Trade Union representative.
- 2.5 A member of the HR team will be allocated to you to advise you on the process to be followed.

**2.6** If in the course of the investigation, it is believed that there have been actions of misconduct or gross misconduct then the matter will be heard in accordance with Ofwat's Disciplinary procedures.

### **3. Throughout the procedure**

**3.1** There will be no repercussions against the person making the complaint or report, the person against whom the complaint is being made or any of the witnesses involved. Intimidation, victimisation, retaliation or discrimination towards a complainant is in itself a serious disciplinary matter.

**3.2** The result of any complaint will not mean that the complainant is absolved of any proven disciplinary offence.

**3.3** If any persons in connection with the investigation require advice or support they may contact their Trade Union representative, Human Resources Department, Occupational Health or the mentoring service.

## Appendix D

### Examples of conduct contravening the Equality and dignity at work policy

Please note: the examples given are not intended to be an exhaustive list, and under the Law, discriminatory behaviour can potentially occur on the basis of actual or perceived group membership or affiliation, whether or not a person is in or identifies themselves as a member of a particular group, and in cases where discriminatory conduct is known about or witnessed.

#### Bullying

Bullying is different from an effective management style. It is destructive rather than constructive. It is criticism of a person rather than constructive criticism about their mistakes. It can publicly humiliate and results in the individual feeling threatened or compromised.

Bullying often results from a misuse of management power, but is also the misuse of any form of individual power, such as physical strength, personality or age, or collective power through strength of numbers (e.g. belonging to a particular gender or ethnic group).

Bullying can also be carried out by peers or staff less senior.

Examples of bullying behaviour

#### Non-Verbal

- Ostracising / freezing out
- Withholding essential information, resources, training
- Setting impossible tasks
- Changing priorities or objectives unreasonably
- Unreasonable allocations of duties or work
- Isolating, excluding behaviour
- Deliberate wrongful attributions of blame
- Using information in a threatening way

#### Verbal

- Shouting, swearing, abuse
- Nicknames, malicious gossip
- Public reprimand / humiliation

- Belittling, patronising comments
- Persistent reminders of past failures
- Unnecessary phone call to someone's home

### **Physical**

- Striking / hitting
- Grabbing a person
- Pushing / jostling
- Inappropriate practical jokes
- Initiation ceremonies
- Damaging / stealing a person's property

### **Harassment on the grounds of disability**

Derogatory remarks, mimicking, invasive personal questions, staring, ostracising or patronising which is directed at any disabled individual, or group of disabled people, which results in the individual(s) feeling threatened or compromised. Stereotyping or making assumptions about individual's ability because of their disability.

Examples of disability harassment

### **Non-Verbal**

- Mimicking
- Ignoring wishes and feelings
- Ostracising, freezing out
- Staring
- Blatant excluding behaviour
- Assuming disabled people have no sexuality
- Holding events at non accessible venues

### **Verbal**

- Making fun of impairment
- Mimicking speech impairment
- Using inappropriate terms, e.g. cripple, spastic, handicapped
- Questions and comments of a personal nature
- Belittling or patronising comments or nicknames

### **Physical**

- Inappropriate practical jokes

- Hiding an impairment aid
- Moving a wheelchair
- Unsolicited touching of a visually impaired person

## **Harassment on the basis of age**

Ridiculing or demanding behaviour focused towards people because of their age, regarding them as “too old” or “too young”; or making assumptions about lifestyle based on perceived age.

Examples of harassment on the basis of age

### **Non-Verbal**

- Excluding from social functions / information
- Mimicking
- Being written off
- Making assumptions about life style / interests
- Not providing training/development opportunities

### **Verbal**

- Making fun of someone based on their age
- Questioning ability due to age
- Patronising

### **Physical**

- Setting unrealistic challenges
- Deliberate body contact or inappropriate touching

## **Harassment on the basis of sexuality**

Behaviour which condemns or ridicules people because of their perceived or actual sexuality. Derogatory remarks, jokes, graffiti which results in the individual feeling uncomfortable, excluded or threatened.

Examples of harassment on the basis of sexuality

### **Non-Verbal**

- Offensive letters / memos
- Gestures

- Inadvertently or deliberately avoiding or excluding, e.g. inviting their “partner / spouse” to an event
- Ostracising / excluding behaviour
- Making assumptions based on sexuality
- Making assumptions about life style / interests

### **Verbal**

- Verbal abuse or threats
- Making rude jokes or comments
- Personal jokes
- Stereotyping
- Making a 'pass'
- Derogatory nicknames

### **Physical**

- Starting fights
- Deliberate body contact
- Inappropriate practical jokes
- Inappropriate touching

## **Harassment on the basis of working patterns**

Behaviour which fails to acknowledge that some people do not work five days a week or “9.00 to 5.00” every day, and that organisations operate effectively using a variety of working patterns.

Examples of harassment on the basis of working patterns

### **Non-Verbal**

- Arranging team meetings / events on days or at times of the day that some people do not normally work
- Isolating, excluding behaviour
- Not recognising the contribution of part-time workers
- Delegating less challenging / inappropriate work to people working alternative patterns
- Expecting part-time staff to deliver a full-time role / workload

### **Verbal**

- Making comments about not “pulling their weight”

- Making comments about hours of work

## Harassment on the basis of ethnicity

This can be derogatory remarks, racist statements, graffiti, jokes, or any other action of a racist nature which is directed at any individual or group from a particular ethnic background which results in the individual(s) feeling threatened or compromised.

Examples of harassment on the grounds of ethnicity

### Non-Verbal

- Offensive gestures
- Facial expressions
- Offensive publications
- Racist graffiti
- Threatening behaviour
- Isolating, excluding behaviour

### Verbal

- Stereotyping
- Verbal threats
- Derogatory “nicknames”
- Racist jokes / ridicule

### Physical

- Jostling
- Assault

## Sexual harassment

Unwelcome sexual advances, requests for sexual favours, or other conduct of sexual nature, which result in the individual feeling threatened or compromised. This is not restricted to attempts to initiate sexual relations. Sexual harassment is any harassing conduct based on the gender, gender identity or sexuality of the recipient. Most sexual harassment is experienced by women, but men also experience harassment. Sexual harassment can also happen between women or between men. Transgender people may also experience sexual harassment based on perceptions or assumptions about them in relation to their appearance, sexuality or the gender re-assignment process.

Examples of behaviour that may be sexual harassment.

### **Non-Verbal**

- Pin-ups
- Offensive publications
- Offensive letters / memos
- Unsolicited / unwanted gifts
- Gestures
- Staring / Leering
- Getting too close

### **Verbal**

- Inappropriate use of affectionate names
- Personal questions / comments
- Innuendoes
- Comments which exclude because of gender
- Sexual / explicit jokes
- Suggestive, explicit language
- Stereotyping

### **Physical**

- Unnecessary touching
- Indecent exposure
- Deliberate body contact

## **Harassment on the basis of religion or belief**

This is where a person is subjected to derogatory remarks, stereotypes, making assumptions or other inappropriate behaviour on the grounds of religion or belief. This can include statements or assumptions about religion or belief or excluding people on the basis of their religion or belief.

### **Non-verbal**

- Arranging meetings that may exclude people on religious observance grounds
- Arranging team lunches during periods of fasting or religious occasions which may make it difficult for them to attend
- Displaying religious artefacts in the workplace which may be offensive to others

- Isolating, excluding behaviour
- Inappropriately enforcing a dress code which may not accommodate religious dress
- Judgements about a person's ability or attitude based on their religion or belief
- Making assumptions about life style / interests

### **Verbal**

- Derogatory comments or nicknames
- Stereotypes
- Verbal threats
- Jokes based on religious or belief based stereotypes
- Invasive and /or inappropriate questions about religion or belief

### **Physical**

- Physical attacks
- Inappropriate touching of religious garments or wear
- Not respecting personal space as it relates to religion or belief

### **Singling out**

Singling out people because of their gender, race, disability, gender identity, religion or belief, age, sexuality, and responsibilities for dependants or marital status can also constitute harassment even without any specific references to gender, race etc. Specific non verbal examples can be seen above under "bullying". This can also apply to people who are perceived to not "fit in". (Expecting people to "fit in" is potentially discriminatory.)

### **Victimisation**

This is where one person is treated less favourably than another because they have brought proceedings, given evidence or information, rejected advances or complained about the behaviour of someone who has been harassing, discriminating against, or in some other way intimidating them.

## Appendix E

### Links to relevant documents

Ofwat Joint Equality Scheme 2010 -13

[Civil Service Code](#)

Ofwat Conduct and Business Appointment Rules

Ofwat Grievance Policy

Ofwat Whistleblowing Policy

Ofwat Disciplinary Policy

Ofwat Recruitment, Relocation, Mobility and Probation Policy

Ofwat/PPC Employee Assistance

[Acas information on the Equality Act 2010](#)