

DIGNITY AT WORK POLICY

Tendercare Ltd seeks to provide a work environment in which all employees are treated with respect and dignity and that is free from harassment and bullying based upon age, disability, gender reassignment, race (including colour, nationality, ethnic or national origins and caste), religion or belief, sex or sexual orientation. In this policy, these are known as the “protected characteristics”.

Employees have a duty to co-operate with the Company to make sure that this policy is effective in preventing harassment or bullying. Action will be taken under the Company’s disciplinary procedure against any employee who is found to have committed an act of improper or unlawful harassment, bullying or intimidation. Serious breaches of this dignity at work policy statement will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees should bear in mind that they can be held personally liable for any act of unlawful harassment. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

All employees are responsible for conducting themselves in accordance with this policy. The Company will not condone or tolerate any form of harassment, bullying or intimidation, whether engaged in by employees or by outside third parties who do business with the Company, such as clients, customers, contractors and suppliers.

You should draw the attention of your line manager to suspected cases of harassment, bullying or intimidation. You must not victimise or retaliate against an employee who has made an allegation or complaint of harassment or bullying or who has provided information about such harassment or bullying. Such behaviour will be treated as potential gross misconduct in accordance with the Company’s disciplinary procedure. You should support colleagues who suffer such treatment and are making a complaint.

The Company will also take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment, bullying or intimidation against its employees.

This policy covers harassment, bullying and intimidation both in the workplace and in any work-related setting outside the workplace, for example during business trips, at external training events or at work-related social events and functions.

Although this policy refers throughout to employees, it also covers, as appropriate, all other members of staff, including workers, agency workers, apprentices, volunteers, contractors and consultants employed or engaged by the Company.

Bullying and harassment

Bullying is offensive, intimidating, malicious or insulting behaviour or an abuse or misuse of power which undermines or humiliates an employee or makes them feel vulnerable, upset or threatened. Power does not always mean being in a position of authority, as it can include personal strength and the power to coerce through fear.

An employee unlawfully harasses another employee if they engage in unwanted conduct related to a protected characteristic, and the conduct has the purpose or effect of violating the other employee’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee.

An employee also unlawfully harasses another employee if they engage in unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating the other employee’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee.

Finally, an employee unlawfully harasses another employee if they or a third party engage in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, the conduct has the purpose or effect of violating the other employee’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment

for that other employee, and because of that other employee's rejection of or submission to the conduct, they treat that other employee less favourably than they would treat them if they had not rejected, or submitted to, the conduct.

The unwanted conduct will still amount to harassment if it is based on the protected characteristic of a third party with whom the employee is associated and not on the employee's own protected characteristic, or if it was directed at someone other than the employee, or even at nobody in particular, but they witnessed it. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment. In addition, harassment can include cases where the unwanted conduct occurs because it is perceived that an employee has a particular protected characteristic, when in fact they do not.

Conduct may be harassment whether or not the person intended to offend. Something intended as a "joke" or as "office banter" may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.

Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to them. A single incident can amount to harassment if it is sufficiently serious.

Examples

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to, the following:

- unwanted physical conduct, including touching, pinching, pushing and grabbing
- physical or psychological threats
- overbearing and intimidating levels of supervision or inappropriate derogatory comments about an employee's performance
- unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature
- subjection to obscene, lewd or other sexually suggestive or racist comments or gestures, or other derogatory comments or gestures related to a protected characteristic
- the offer of rewards for going along with sexual advances or threats for rejecting sexual advances
- jokes, remarks or pictures of a pornographic, sexual, sexist, racist, homophobic or ageist nature or which are otherwise derogatory or stereotypical in relation to a protected characteristic, including e-mails, text messages, video clips and images sent by mobile phone or posted on social media
- demeaning comments about an employee's appearance
- questions about an employee's sex life
- outing or threatening to out an employee as gay or lesbian
- the use of nicknames related to a protected characteristic whether made orally or by e-mail
- picking on, mocking, mimicking or ridiculing an employee because of a protected characteristic
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome
- isolating an employee or excluding them from social activities or relevant work-related matters because of a protected characteristic.

However, reasonable, legitimate and constructive criticism of an employee's performance or behaviour, or reasonable instructions given to employees in the course of their employment, will not amount to bullying or harassment on their own. Those are part of normal employment routine and should not be interpreted as anything different.

Reporting complaints

All allegations of harassment, bullying or intimidation will be dealt with seriously, confidentially and speedily. The Company will not ignore or treat lightly grievances or complaints of harassment or bullying from employees.

If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is unwelcome or makes you feel uncomfortable. However, the Company also recognises that actual or perceived power and status disparities may make such confrontation impractical. In the event that such informal direct communication is either ineffective, unsuccessful or impractical or you feel that it is too difficult or embarrassing, or the situation is too serious to be dealt with informally, you should follow the formal procedure set out below.

If you are not certain whether an incident or series of incidents amounts to harassment or bullying, you should initially contact your line manager or the Human Resources Department informally for confidential advice.

If you wish to make a formal complaint about harassment or bullying, whether against a fellow employee or a third party, such as a client, customer, contractor or supplier, you should in the first instance report the incident of harassment or bullying to your line manager, either verbally or in writing. If you do not wish to speak to or write to your line manager, or the matter concerns your line manager, you can instead speak to or write to an alternative manager or to a member of the Human Resources Department. Such reports should be made promptly so that investigation may proceed, and any action may be taken, expeditiously.

The following procedure will then apply in response to your formal complaint:

1. All allegations of harassment or bullying will be treated seriously. The allegation will be promptly, thoroughly and impartially investigated and investigations will be carried out with sensitivity and due respect for the rights of all parties concerned. As part of the investigatory process, a meeting will be arranged with you so that you can give your account of events and you will be asked to provide a written witness statement setting out the full details of your complaint. You have the right to be accompanied by a trade union official or a fellow employee of your choice at this meeting, but they must respect the confidentiality of the investigation. Your written statement should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring. In addition, the investigator may arrange further meetings with you as appropriate throughout the investigation.
2. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances, so individuals not involved in the complaint or investigation should not be told about it. However, in order to effectively investigate an allegation, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, your identity and the nature of the allegations must be revealed to the alleged harasser or bully so that they are able to fairly respond to the allegations and give their account of events. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. The importance of respecting the confidentiality of the investigation will be emphasised to all those involved and a failure to maintain confidentiality will lead to disciplinary action being taken under the Company's disciplinary procedure. Serious breaches of confidentiality will be treated as potential gross misconduct and could render the relevant employee liable to summary dismissal.
3. The Company reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter. It is important that the investigation is conducted by someone with

appropriate experience and no prior involvement in the complaint.

4. As a general principle, the decision whether to progress a complaint is up to you. However, the Company has a duty to protect all staff and therefore, if you change your mind after raising a formal complaint, we may still pursue the matter independently if, in all the circumstances, we consider it appropriate to do so. We will, however, not do so without talking to you first.
5. Where your complaint is about an employee, the Company may consider making temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. Where your complaint is about a third party, the Company will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the third party's rights.
6. The Company will also seriously consider any request that you may make for changes to your own working arrangements during the investigation.
7. Once the investigation has been completed, the investigator will prepare a report and you will then be informed in writing of the outcome and the Company's conclusions and decision as soon as possible, including what action, if any, is to be taken. The Company is committed to taking appropriate and prompt action with respect to all complaints of harassment or bullying which are upheld. If appropriate, disciplinary proceedings for possible misconduct or gross misconduct will be brought against the alleged harasser or bully if they are an employee. If the harasser or bully is a third party, the Company will consider what action would be appropriate to deal with the problem.
8. You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith. The Company will also take appropriate steps to ensure that you do not suffer any form of retaliation or victimisation as a result, and anyone found to have retaliated against or victimised you in this way will be subject to disciplinary action under the Company's disciplinary procedure. You should inform your line manager if you believe you have been subjected to this type of treatment.
9. If your complaint is upheld and the harasser or bully remains in the Company's employment, the Company will take all reasonable steps to ensure that you do not have to continue working alongside them if you do not wish to do so. The Company will discuss the options with you. For example, it may be appropriate to change the working location, duties or reporting lines of one or both parties. If your complaint is not upheld, arrangements will be made for you and the alleged harasser or bully to continue or resume working and to repair working relationships. The Company will consider how best to manage any ongoing working relationship between you and them. For example, it may be appropriate to arrange counselling or mediation.

If you are not satisfied with the outcome of your complaint, you may appeal in writing to a Director of the Company within five working days of the date on which the Company's decision was sent or given to you, stating the grounds for your appeal. On receipt of your appeal letter, a more senior manager or a Director (who may not be the person to whom your appeal was addressed), or an independent chairperson appointed by the Company, will make arrangements to hear your appeal at an appeal meeting and at this meeting you may again, if you wish, be accompanied by a trade union official or a fellow employee of your choice. Following the meeting, you will be informed in writing of the Company's decision on your appeal. This is the final stage of the procedure and the Company's decision shall be final.

Alternatively, you may, if you wish, use the Company's grievance procedure to make a complaint of harassment or bullying.

Information about a complaint by or about an employee may be placed on their personnel file, along with a record of the outcome. These will be processed in accordance with the Company's data protection policy and privacy notice.

Disciplinary action

Any employee who is found to have harassed or bullied another employee in violation of this policy will be subject to disciplinary action under the Company's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, line managers who had knowledge that such harassment or bullying had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the Company's disciplinary procedure.

Training

The Company will train all line managers in the Company's policy on dignity at work and in helping them identify and deal effectively with harassment, bullying or intimidation. Line managers will be responsible for ensuring they actively promote dignity at work within the departments for which they are responsible and for ensuring that staff understand the standards of behaviour expected of them. They are also responsible for taking appropriate action when behaviour falls below acceptable standards.

The Company will also provide training to all employees to help them understand their rights and responsibilities in relation to dignity at work and what they can do to create a work environment that is free from harassment, bullying and intimidation.