



# WORCESTERSHIRE COUNTY CRICKET CLUB

## Dignity at Work Policy

### including dealing with Discrimination, Bullying & Harassment

#### 1. Introduction

- 1.1 Worcestershire County Cricket Club is committed to supporting equality, diversity and inclusion in cricket and promoting equal opportunities as an employer. You and any job applicants will receive equal treatment regardless of age, gender reassignment, marital or civil partner status, pregnancy or maternity, disability, race (including colour, nationality, ethnic or national origin), religion or belief, sex, or sexual orientation (referred to as “protected characteristics”).
- 1.2 We are also committed to providing a working environment free from harassment and bullying. We will not condone any kind of harassment or bullying and believe that all our staff have the right to be treated, and should treat others, with dignity and respect.

#### 2. Purpose and scope

- 2.1 The purpose of this policy is to:
- 2.1.1 set out our approach to equal opportunities and the avoidance of discrimination at work. This approach applies to all aspects of employment with us, including recruitment, opportunities for promotion and development, pay and benefits, performance management, training, appraisals, conduct at work, disciplinary and grievance procedures and termination of employment; and
  - 2.1.2 ensure that all our staff are treated, and treat others, with dignity and respect and to create a safe working environment for everyone. It outlines the responsibilities and expectations for all and sets out the procedure you should follow if you feel that you have been the subject of any harassment or bullying and sets out a framework for line managers to deal with any harassment or bullying that occurs by staff (and/or third parties such as customers, suppliers, or visitors to our premises).
- 2.2 This policy is not intended to discourage normal social relationships among our staff nor with players, coaches, officials, volunteers, or any other stakeholder. Its primary aim is to prevent behaviour that could be construed as discriminatory, harassment, bullying, or victimisation whether that is in the workplace or in any work-related setting outside the workplace, e.g., tours, training camps or work-related social events.
- 2.3 This policy applies to all employees (at all levels including management), agency and casual workers, consultants, volunteers, and interns.
- 2.4 This policy is non-contractual and so does not form part of your or any individual’s terms and conditions of appointment/engagement. Worcestershire County Cricket Club may also amend this policy from time-to-time.



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### **3. Equal opportunities**

3.1 We are committed to ensuring that our people work in an environment free from discrimination. We all have a responsibility to ensure that discrimination or victimisation is not part of the Club or cricket. All of us have a practical application of equal opportunities in our day-to-day activities and working relationships with colleagues, customers and stakeholders.

3.2 For further information on Equal Opportunities at Worcestershire County Cricket club please see the Equal Opportunities policy on Bright HR.

### **Discrimination**

3.3 You must not unlawfully discriminate against or harass other people including current and former employees, job applicants, clients, customers, suppliers and visitors. This applies in the workplace, outside the workplace (when dealing with work related contacts) and at work-related events, including at clubs or matches or whilst attending work organised social events.

3.4 The following forms of discrimination are unlawful and are prohibited under this policy:

#### **A. Direct discrimination**

3.5 This is treating someone less favourably than you would treat others in the same circumstances because of a protected characteristic. For example, rejecting a job applicant because of their religious views. This includes discrimination because of perceptions or assumptions about a person's characteristics, even if these are incorrect. Direct discrimination cannot be objectively justified, except in relation to the protected characteristic of age.

#### **B. Indirect discrimination**

3.6 This occurs when a provision, criterion or practice is applied to everyone, but its application adversely affects people with a particular protected characteristic more than others and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.

#### **C. Harassment**

3.7 This includes sexual harassment and other unwanted conduct related to a protected characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment is dealt with further below (see 'Harassment and bullying').



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### **D. Victimisation**

- 3.8 This is retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.
- 3.9 It occurs where someone is subjected to a detriment because they have done a 'protected act,' or because it is believed that they have done or are going to do a protected act. A protected act is:
- making a claim or complaint under the Equality Act;
  - giving evidence or information in connection with a claim or complaint under the Equality Act;
  - doing any other thing for the purposes of or in connection with the Equality Act; and/or
  - making an allegation regarding a breach of the Equality Act.

### **E. Disability discrimination**

- 3.10 This includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to reduce the disadvantages caused by a disability.

### **Recruitment and selection**

- 3.11 Recruitment, promotion and other selection exercises (e.g., for redundancy) will be done on the basis of merit and against objective criteria that avoid discrimination. Shortlisting should be done by more than one person with the involvement of Human Resources, wherever possible.
- 3.12 Vacancies should generally be advertised to a diverse section of the labour market. Advertisements should avoid stereotyping or using wording that may discourage particular groups from applying.
- 3.13 Job applicants will not be asked questions which might suggest an intention to discriminate on the grounds of a protected characteristic (for example, they should not be asked whether they are pregnant) and they will not be asked about health or disability before a job offer is made. Limited exceptions may apply (for example, to check that any adjustments might be needed at interview because of a disability). These should be discussed with, and should only be used with the approval of Human Resources. Where necessary, job offers may be made conditional on a satisfactory medical check.
- 3.14 We are required by law to check that all employees are entitled to work in the UK and all prospective employees must be able to produce original documentation before employment starts to satisfy current immigration legislation (regardless of nationality).



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Assumptions about immigration status should not be made based on appearance or apparent nationality.

- 3.15 To ensure that this policy is effective and to identify underrepresented or disadvantaged groups, we may monitor applicants' [ethnic group, gender, disability, sexual orientation, religion and age] as part of the recruitment procedure. We may ask that applicants for advertised roles complete a voluntary Diversity Monitoring Form for the purposes of monitoring recruitment activity. It is your choice whether to provide this information and it will not affect your chances of recruitment or any decision relating to your employment. Analysing this data will help the Club to take steps to avoid discrimination and improve equality, diversity and inclusion.

### **Disabilities**

- 3.16 We will endeavour to make reasonable adjustments to accommodate the needs of any employee with a disability. We will work with you to understand what reasonable adjustments are needed to make your workplace safe and effective. If we don't have the relevant knowledge or experience, we may ask for specialist advice.
- 3.17 Reasonable adjustments may include, but are not limited to, re-allocation of job duties, altering hours of work, permitting absence during working hours for treatment or rehabilitation, providing specialist equipment and training, providing supervision, mobile working or redeployment to a suitable alternative vacancy. Any reasonable adjustment may need to be reviewed at regular intervals to assess whether it is still effective and reasonable.
- 3.18 If, during the course of your employment, you recognise the need for a reasonable adjustment, please talk to your line manager or Human Resources.

### **Part-time and fixed-term work**

- 3.19 Part time and fixed term staff should be treated the same as compared to full-time or permanent staff. They should not have less favourable terms and conditions (on a pro-rata basis where appropriate) unless different treatment is justified.

### **Breaches of this policy**

- 3.20 Breaches of this policy will be dealt with in accordance with our Disciplinary policy. Serious cases of discrimination may amount to gross misconduct leading to dismissal.
- 3.21 If you feel that you have suffered discrimination you can raise the matter under our Grievance policy, or if you feel you have been harassed or bullied you can use the procedure set out below (see section 4).
- 3.22 You must not be victimised or retaliated against for complaining about discrimination. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary policy.



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#### 4. Harassment and bullying

- 4.1 Staff are encouraged to disclose any instances of harassment or bullying of which they become aware to their line manager or Human Resources.

#### What is harassment?

- 4.2 Harassment can be any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It may be persistent or an isolated incident.

- 4.3 It includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. It may also involve conduct of a sexual nature (sexual harassment), or it may be related to a protected characteristic. Harassment is unacceptable even if it does not fall within any of these categories and a person may be harassed even if they are not the intended target.

- 4.4 Harassment can take many forms and may include the following, which are not exhaustive:

- unnecessary and unwanted physical contact ranging from touching to serious sexual or physical assault;
- derogatory or degrading comments relating to a person's "protected characteristic";
- unwanted non-verbal conduct, including sexually suggestive gestures, staring and leering;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), propositions or pressure for sexual activity including offensive suggestive remarks, innuendoes or lewd comments and suggestions that sexual favours may result in employment benefits (or that refusal of such suggestions may result in some form of detriment);
- continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome;
- display, storage, or circulation of offensive material (including pictures, objects, written materials, or information held on computer);
- unfair treatment, which might include deliberate exclusion from conversations or events at work, for reasons based on a person's protected characteristic;
- comments which have the effect of isolating or humiliating an employee by reason of their protected characteristic;
- making gestures that mock a person's protected characteristic;



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- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- offensive, hostile, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate, or injure the person on the receiving end.

### What is bullying?

4.5 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation. Bullying may be physical, verbal, or non-verbal. It can include conduct that is not face-to-face, including via text message, email, and social media. As with harassment it can be defined as words, actions, or other conduct which ridicules, intimidates, or threatens and affects individual dignity and well-being.

4.6 Examples of bullying include (but are not limited to):

- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate derogatory remarks about a person or their performance;
- persistently picking on people in front of others or in private;
- blocking promotion and training opportunities;
- regularly and deliberately ignoring or excluding a person from work activities or work-related social events;
- setting a person up to fail by overloading them with work or setting impossible deadlines; and
- regularly making the same person the butt of jokes.

4.7 Legitimate, reasonable, and constructive criticism of an individual's performance or behaviour that does not meet the expectations of the role or the Club, or reasonable management instructions in the course of an individual's work, do not amount to bullying on their own.

### Dealing with harassment and bullying: overall approach

4.8 Harassment and/or bullying, if proven, is treated as misconduct (which may include gross misconduct). Anyone who is found to incite, carry out any or condone any harassment or bullying will be subject to our Disciplinary policy.



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- 4.9 Harassment and bullying are not dependent on an intention to cause distress or hurt but are assessed by the impact the behaviour has on the recipient. As a result, it is possible that behaviour that is acceptable to some employees may cause embarrassment, distress, or anxiety to others. Therefore, harassment and bullying relate to the perceptions and feelings of the recipient.
- 4.10 We will investigate any complaints raised under this policy responsibly and in an environment where staff can raise genuine complaints without fear of reprisals. Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Any member of staff found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary policy. If you feel you have suffered any such treatment you should inform your line manager or Human Resources. If the matter is not remedied, you should raise it formally as a grievance under our Grievance policy (or this procedure, if appropriate).
- 4.11 Any individual found to have made false, malicious, or vexatious allegations of harassment or bullying, or who deliberately provides false information or otherwise acts in bad faith as part of an investigation may also be subject to action under our Disciplinary policy.
- 4.12 Confidentiality is an important part of the procedures under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a “need to know” basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary policy.
- 4.13 Information about a complaint by or about an employee may be placed on the employee’s personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with data protection legislation in force from time to time.

### **How to raise a complaint of harassment and bullying:**

#### **A. Informal Procedure**

- 4.14 If you feel that you have been the subject of (or witness to) any form of harassment or bullying you should, wherever possible, talk to the person responsible to let them know their behaviour is unwelcome and ask them to stop.
- 4.15 Alternatively, if you feel unable to raise the matter directly or if you are in any doubt as to whether an incident (or series of incidents) constitute harassment or bullying, then you should raise the matter informally with your line manager or Human Resources. They will be able to provide confidential advice and assistance in resolving the issue formally or informally. Following initial discussions, we will discuss with you the following options:
- deciding that no further action is necessary;
  - with support, discussing the complaint informally with the alleged bully/harasser;



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- asking your line manager or Human Resources to help resolve the matter through informal approaches to the individual; or
- making a formal complaint using the formal procedure as detailed below.

### **B. Formal Procedure**

- 4.16 If an informal approach is unsuccessful, or you feel that the nature and/or seriousness of the alleged harassment or bullying warrants it, you can raise a formal complaint to your line manager. If your complaint concerns your line manager, you may raise it with Human Resources. You should confirm, in writing:
- the name of the alleged bully/harasser;
  - the date (and if possible, time) and full details of any incident(s)/conduct in question;
  - the nature of the conduct being complained of;
  - details of the complaint;
  - the name of anyone present who may have witnessed the incident(s); and
  - any action that has been taken so far to attempt to stop it from occurring.
- 4.17 All complaints will be handled in a timely, confidential, impartial, respectful and sensitive manner. The allegations will be fully investigated, with the individual bringing the complaint, the alleged bully/harasser and any potential witnesses being separately interviewed by Human Resources or Senior Manager. Individuals not involved in the complaint, or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The importance of confidentiality will be emphasised to all parties involved.
- 4.18 We will arrange a meeting with you, usually within five working days of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a workplace colleague, who must respect the confidentiality of the investigation.
- 4.19 Where your complaint is about an employee, the investigator will also meet with the alleged bully/harasser to hear their account of events. The alleged bully/harasser will be given full details of the complaint, in writing, before the investigatory meeting, so that they can respond. All parties will be offered the opportunity to be interviewed with a companion present.
- 4.20 Where possible, action will be taken to minimise contact between the complainant and the alleged bully/harasser while the investigation is being carried out. In serious cases, and where your complaint is about an employee, the alleged bully/harasser may be suspended





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on full pay (or making other temporary changes to working arrangements) pending the outcome of the investigation.

- 4.21 Where your complaint is about someone other than an employee, we 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 rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 4.22 We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may request changes to your duties or working hours to avoid or minimise contact with the alleged bully/harasser.
- 4.23 At the end of the investigation, the investigation report and any evidence collected will be passed to a senior manager to determine if the complaint is upheld. The senior manager will arrange a meeting with you, usually within five working days of receiving the report, to discuss the outcome and what action (if any) should be taken. You have the right to be accompanied by a workplace at the meeting. A copy of the report and the senior manager's findings will be given to you and the alleged harasser.

### **Action following the investigation into harassment and bullying**

- 4.24 If the investigation reveals the complaint to be upheld, prompt action will be taken. Where the bully/harasser is an employee, this will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary policy. If the bully/harasser is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem. In certain situations, it may be appropriate to transfer one of the parties involved to a different area or department. If this is the case, every effort will be made to move the bully/harasser, not the recipient.
- 4.25 Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or change to the duties, working location or reporting lines of one or both parties.

### **Appeals**

- 4.26 If you are not satisfied with the outcome you may appeal in writing to your line manager or Human Resources, stating your full grounds of appeal, within five working days of the date on which the decision was sent or given to you. We will hold an appeal meeting, normally within five working days of receiving your written appeal. Where possible, the appeal hearing will be conducted by a more senior manager who has not been previously been involved in the case. They may ask anyone previously involved to be present.
- 4.27 You have the right to bring a workplace colleague to the meeting.
- 4.28 We will confirm our final decision in writing to you, usually within five working days of the appeal hearing.



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4.29 This is the end of the procedure and there is no further appeal.

### 5. Other Information

5.1 If you have any questions or require further support, please contact Human Resources who will be happy to help.

### 6. Related policies

- Disciplinary Policy;
- Grievance Policy;
- Whistleblowing Policy; and
- Equal Opportunities Policy

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