

NYJO Dignity at Work Policy

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Introduction

NYJO is committed to ensuring a positive, supportive and inclusive working environment free from harassment, discrimination, bullying and victimisation. We expect all NYJO professionals to treat each other with dignity and respect at all times. We wish to promote equality of opportunity in all that we do and will not tolerate bullying, harassment and discrimination of any kind. We will also not tolerate victimisation of a person for reporting such behaviour in good faith or supporting someone to make such a complaint.

Purpose

This policy is not intended to discourage normal social relationships amongst NYJO professionals or with partners, clients, visitors or other stakeholders. Its primary aim is to prevent behaviour that could be construed as discriminatory, harassment or bullying, whether that is in the workplace or any work-related setting outside the workplace, e.g., gigs or work-related social events.

Scope

NYJO is an organisation that values everyone who contributes to and benefits from our work. We are a community of employees, freelance administrators and artists, guest artists, trustees, young performers and project participants, and their families. For the purposes of this document, we will use the terms 'professionals', denoting employees, freelance administrators and artists, guest artists and trustees; and 'beneficiaries', denoting young performers, project participants and their families, education partners and communities.

Amongst its professionals, NYJO recognises the different legal obligations inherent in relationships based on contracts of employment (ie staff) and contracts for services (ie freelancers). Whilst acknowledging the different contractual arrangements, we are committed to treating all professionals with equal and appropriate respect, and of fully engaging with and appreciating all who contribute to the success of our work. This policy applies to all NYJO professionals.

Definition of Harassment

Harassment is unwanted conduct related to a protected characteristic which has the purpose or effect or violating someone's dignity, or which creates a hostile, degrading, humiliating or offensive environment for someone with a protected characteristic. It may consist of persistent behaviour, although one single act may be considered sufficiently serious to warrant informal or formal escalation. The behaviour or treatment may relate to a person's age, disability, gender reassignment, sex, race, religion or belief or sexual orientation. Harassment is unlawful under the Equality Act 2010.

The following examples of harassment are not exhaustive:

- Unnecessary or 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, propositions or pressures for sexual activity including offensive suggestive remarks, innuendoes or lewd comments and suggestions that sexual favours may result in employment benefit (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 a person by reason of their protected characteristic.
- Making gestures that mock a person's protected characteristic.

Definition of Bullying

Bullying is a form of harassment. Workplace bullying is defined as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient".

Bullying is often (but not always) an abuse of power, position or knowledge. It normally relates to negative behaviours that are repeated and persistent and deliberately targeted at a particular individual or group of people. Examples include (this list is not exhaustive):

- Physical or psychological threats.
- Overbearing and intimidating levels of supervision.

- Inappropriate derogatory remarks about a person or their performance.
- Persistently shouting at students, partners, clients, visitors, or any other stakeholder.
- Persistently picking on people in front of others or in private.
- Blocking promotion and training opportunities.
- Regularly and deliberately ignoring or excluding NYJO professionals from work activities or work associated social events.
- Setting a person up to fail by overloading them with work or setting impossible deadlines.
- Regularly making the same person the feature of jokes.

Legitimate and reasonable criticism of a professional's performance or behaviour, or reasonable management instructions, does not amount to bullying and/or harassment.

Dealing with bullying and harassment

Overall approach

Bullying and/or harassment is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient. As a result, it is possible that behaviour that is acceptable to some may cause embarrassment, distress, or anxiety to others. Therefore, bullying and/or harassment relates essentially to the perceptions and feelings of the recipient.

We will investigate any complaints raised under this policy responsibly and in an environment where professionals can raise genuine complaints without fear of reprisals. Any professional who retaliates against someone who complains of bullying and/or harassment will be disciplined.

Disciplinary action will be taken against a professional found to have made false, malicious, or vexatious allegations of bullying and/or harassment.

Informal Resolution

Informal resolution will allow ongoing working relationships the greatest chance to continue in an appropriate and constructive manner.

If NYJO professionals or beneficiaries feel that they have experienced unacceptable behaviour, or have witnessed such behaviour, they are encouraged to act promptly to try to address the issue. Some people may be unaware that their behaviour is inappropriate or has caused offence or it may be that their words or actions have been misinterpreted. An informal approach may help them to understand the effects of their behaviour and may be sufficient to resolve the matter.

Wherever possible, NYJO professionals or beneficiaries are encouraged to attempt to resolve any issues directly with the person(s) concerned. If this is not possible, they should raise it with their manager or seek advice from the Chief Executive or the HR Trustee. If the complaint relates to the complainant's manager or the Chief Executive, they should raise it with another manager or with the HR Trustee. There is no need to put the complaint in writing. The manager or HR Trustee should meet the complainant to facilitate a discussion to explore in confidence how the matter could be resolved informally. Genuine attempts should be made by those involved to find a mutually acceptable/agreeable solution, with an agreement from all parties about any actions to be taken, and by when.

Formal Procedure

NYJO professionals or beneficiaries can make a formal complaint of bullying and/or harassment if attempts at resolving the issue informally have been exhausted, or it is not appropriate to use the informal approach due to the seriousness of the alleged behaviour.

A formal complaint raised under the Dignity at Work Policy will be handled as a “grievance” and a complainant should follow the formal procedure outlined in the Grievance Policy. Wherever possible, the following information should be provided:

- Name of the person(s) about whom the complaint is made.
- Nature of the behaviour about which the complaint is made.
- An indication of the impact that this behaviour has had.
- Specific examples of the unwanted behaviour or conduct, including times/locations of any incidents, where possible.
- Whether anyone else observed the behaviour.
- Any action that has already been taken to challenge or stop the behaviour and the outcome of any such action.

All complaints will be handled in a timely, impartial, sensitive and, where appropriate, confidential manner.

If it is determined that there is sufficient evidence to suggest that a complainant has been harassed or bullied, NYJO will consider what action is appropriate and necessary. If the person accused is an employee, this may include invoking our Disciplinary Procedure.

Whether or not a complaint is upheld, NYJO will consider how best to manage the ongoing working relationship between the parties concerned.

Related Policies

Appeals Policy
Grievance Policy and Procedure
Disciplinary Policy and Procedure

Relevant Contacts

The NYJO professionals referred to as overseeing this policy are the Chief Executive, Susie York Skinner (susie@nyjo.org.uk) and the HR Trustee, Janet Campbell (janet@nyjo.org.uk).

Policy Review

Policy last reviewed: July 2022
Policy approved by board: July 2022
Next review due: September 2023
Responsible Trustee: HR Trustee, Janet Campbell – janet@nyjo.org.uk

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