

nipsa

A Guide to

Dignity at Work

intimidation

homophobia

gender

cyberbullying

exclusion

transphobia

persecution

bullying

discrimination

malicious

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Foreword

NIPSA believes that all employees have the right to be treated with dignity and respect in a working environment that is free from bullying, harassment, discrimination and victimisation.

The effects of unwanted, unreasonable and offensive conduct are among the most personal and emotionally devastating that can arise at work. Yet despite the existence of comprehensive anti-discrimination legislation, some of which has been in place for almost 50 years, these problems are still rife.

As a result of a number of legislative changes and other developments, NIPSA has updated this guide which was first published July 2014, to assist members and representatives in maintaining pressure to ensure employers take a more proactive approach to the promotion of a healthy and harmonious environment for all.

This guide should help NIPSA representatives at all levels in assisting members whose dignity at work has been violated, or who are working in a hostile environment. The guide should also help in negotiating workplace policies and procedures to foster a working environment that proactively promotes a climate of respect and tolerance.

I hope you find this revised guide helpful.

Yours sincerely,



Carmel Gates

General Secretary, NIPSA

What type of Behaviour may affect Dignity at Work

Unwanted, unreasonable and offensive conduct and behaviour can and does occur in any workplace and at any level. It can affect health, confidence, morale and performance. A variety of terms can be used to describe inappropriate behaviour that may impact on a person's dignity at work, including bullying, harassment, discrimination and victimisation.

Bullying

Definition of Bullying

There is no legal definition of bullying. However, it is accepted that bullying comprises "offensive, abusive, intimidating, malicious or insulting behaviour which amounts to an abuse of power, which makes the recipient feel upset, threatened, humiliated or vulnerable. It undermines the ability and confidence of the person who suffers from it and may cause them to suffer stress." Unlike harassment, bullying is not instigated on the basis of a person's social identity (e.g. gender, religion etc.)

Examples of Bullying

Bullies can be from any background, be of any race or gender, and of any grade, so it is not helpful to draw up a stereotype or profile of a bully. However, being able to identify some examples of bullying behaviour may help the branch representative or the member to recognise when bullying is happening.

Many forms of behaviour can constitute bullying. The following, though not an exhaustive list, may constitute bullying:

- Repeatedly shouting or swearing in public or private;
- Public humiliation;
- Persistent criticism;
- Constantly undervaluing effort;
- Personal insults and name calling;
- Persecution through fear or threats;
- Dispensing unfair punishment out of the blue;
- Increasing responsibility whilst decreasing authority;
- Being overruled, ignored, marginalised or excluded;
- Setting individuals up to fail;
- Setting unrealistic deadlines for an increased workload;
- Removing areas of responsibility and imposing menial tasks;
- Deliberately sabotaging or impeding work performance;
- Constantly changing guidelines;
- Withholding work-related information;
- Threatening to 'out' someone as lesbian, gay, bisexual or transgender.

Harassment

Definition of Harassment

Harassment is unwanted conduct that is linked to/related to/or on the grounds of a person's sex, age, race/ethnic origin, marital/partnership status, religious belief, political opinion, disability, sexual orientation or gender identity. The unwanted conduct must have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

It is important to note on 6 April 2008 the Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2008 came into force which amended the previous definition of sex-related harassment.

The amended definition states that a person subjects a woman or man to harassment where he/she engages in unwanted conduct that is "related to her/his sex or that of another person".

Therefore, a person complaining of harassment under the Sex Discrimination Order is no longer required to show that the alleged treatment took place because the complainant was a woman (or a man). Connection or association with either sex will give sufficient basis for a harassment claim.

The amended definition applies equally to sex-based harassment perpetrated by an employer or by a third party.

Examples of Harassment

Harassment may be physical, verbal or non-verbal. It may be many incidents or it may be only one incident. Whether or not the behaviour is intended to be offensive is irrelevant and what is acceptable behaviour to one person may be harassment to another. It is for each individual to determine what behaviour is acceptable to them and what is offensive. The common feature of all this behaviour is that it is unwanted by the person on the receiving end.

The following list, while not exhaustive, provides guidance as to the common forms of unwanted, unreasonable and offensive conduct:

- Unwanted physical contact, ranging from unnecessary touching or brushing against another employees body to serious assault;
- Use of verbal or physical threats or abuse, including sectarian, political, racially or sexually derogatory or stereotyped remarks and statements, offensive terminology relating to people with a disability or homophobic, transphobic, biphobic language to insult or threaten someone;
- Jokes or remarks that have a lewd, sectarian, racist, homophobic, transphobic, biphobic or disability content or which contain innuendo or mockery;
- Unwanted, intrusive questioning of a person about their marital status, sexual interests or orientation, gender identity, age, religious belief or political opinion, race or ethnic origin;
- Coercion, including suggestions that sexual favours may further a person's career or that not offering them may adversely affect their career;
- Visual display of pornographic, sexually explicit or suggestive pictures, objects or written material (including the use of e-mail to send such material), political posters, graffiti, obscene gestures, flags, bunting and emblems, homophobic, transphobic, biphobic or anti gay material which may cause offence.

Dignity

Many organisations separate bullying and harassment and define them differently because the motivation or underlying cause or reason for the behaviour is linked to an aspect of the victim's social identity, but in recent years many organisations seek to promote dignity and respect generally.

However a more contemporary and generic approach would be to eliminate mention of specific protected characteristics or sexual identities component and adopt an all inclusive term thereby defining any incidence of unwanted conduct and including either harassment or bullying as:

“Unwanted conduct which has the purpose or effect of violating the person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.”

Discrimination

Definition of Discrimination

Discrimination is unlawful when someone is treated less favourably or unfairly compared to others on the grounds of a protected characteristic i.e. their gender (or gender re-assignment), marital status, religious belief and/or political opinion, race, disability, age, sexual orientation, or membership/non-membership of a Trade Union. It can be direct – when people are treated less favourably because of a protected characteristic or indirect – when a condition or requirement is applied equally to all but which is harder for one group to meet than another or which has a disproportionate or otherwise detrimental impact on them and cannot be justified. A failure to make a reasonable adjustment for a disabled person is also a form of discrimination.

Victimisation

Definition of Victimisation

Victimisation also carries a formal legal definition in discrimination legislation and we need to be careful that we use the correct terminology, especially when drawing up agreements and advising on grievances and industrial tribunal applications. Under discrimination law, you are victimised when you are treated less favourably than another person because you have undertaken what is referred to as a “protected act”, not to be confused with a “protected disclosure” which relates to whistle-blowing.

Examples of a “protected act” include:

- Complaining that someone has breached discrimination law, including lodging a grievance or IT complaint to that effect;
- Assisting someone in making a complaint about a case of discrimination; and
- Acting as a witness in such a complaint.

It can also be a protected act if someone believes that you have acted, or will act, in any of these ways.

Definition of Cyberbullying and Harassment

Bullying and harassment conducted via social networking channels – often using blogs or social networking sites - to post photographs or offensive or threatening comments by an individual or group intended to harm others.

Examples of Cyberbullying and Harassment:

- Silent or abusive phone calls to mobiles;
- Threatening messages via text, email or instant messaging;
- Derogatory comments being left on personal social networking profiles, blogs or messaging boards;
- Private information being shared with a large audience on the internet;
- A 'happy slap';
- Posting a video on YouTube;
- Embarrassing or doctored photos uploaded or electronically disseminated for public view;
- Social exclusion through use of online 'friendship circles'.

Social media sites provide individuals with an unprecedented number of ways with which to contact one another. This can lead to situations of bullying or harassment occurring between employees, both inside and outside the workplace, over the internet.

Inside the Workplace

Bullying or harassment in the workplace, whether occurring online or offline is an issue that employers should have a firm policy in place to deal with. This should also be tied in with other policies such as a social media policy, as well as a disciplinary policy and grievance procedure.

Outside the Workplace

The prominence of mobile social networking, as well as the fact that the majority of social networking is done from home, allows for bullying to take place completely away from the workplace. If this bullying or harassment is taking place outside of the workplace, for example from an employee's home computer, some employers may be unsure if they are entitled to step in.

Employer Responsibility

If an employee reports a problem then an employer is likely to have a duty to investigate. Despite the difficulties, they would be prudent to attempt to resolve the issues as it is highly likely to affect the working environment in a detrimental manner. There can also be repercussions for failing to properly investigate a grievance, which can lead to further complaints, or possibly even constructive dismissal situations.

It is important for workplace policies to be updated (see page 22) to ensure that employees know that bullying or harassment of colleagues, even outside of the work, is unacceptable and could lead to disciplinary action. Employers who fail to take such reasonable steps leave themselves vulnerable to potential claims for liability.

The Effects of Unwanted, Unreasonable and Offensive Behaviour

Impact on the Recipient

Unwanted, unreasonable and offensive behaviour can cause:

- Feelings of humiliation, distress, anger;
- Feelings of being devalued as a person;
- Fatigue, stress, anxiety, depression, loss of confidence;
- Deterioration of personal relationships;
- Increased absenteeism;
- Dread of work;
- Inability to concentrate.

Impact on the Workplace

The adverse effects on an organisation will include:

- An increase in absenteeism;
- Unhealthy working climate and increased conflict amongst employees;
- Reduced organisational effectiveness and performance;
- Poor customer service;
- Loss of experienced employees and increase in recruitment costs;
- Increased risk of violence at the workplace;
- Increased tribunal claims and therefore compensation payments and legal costs.

The Legal Position

There is no specific legislation protecting employees from bullying at work. Generally speaking, issues involving bullying will almost always be resolved more quickly and effectively through trade union representation and negotiation rather than trying to pursue legal action. However the following are examples of how the law may be used; NIPSA representatives may want to refer to these to put pressure on employers to treat any allegations seriously.

Health and Safety Legislation

There is a general duty under health and safety law to provide a safe and healthy working environment, which should include protection from bullying and harassment at work. Under the common law employers may be liable for psychiatric or psychological damage caused by bullying or harassment at work.

The Management of Health and Safety at Work (Amendment) Regulations (Northern Ireland) 2000 (amended 2003 and 2006) obliges employers to assess the risks to health and safety to which their employees are exposed while at work, so that they can take appropriate preventative and protective measures. This applies to both physical and mental health.

Health and Safety legislation also gives safety reps legal rights to investigate causes of stress and problems such as bullying and stress related ill-health in the workplace.

The Health and Safety Executive in Northern Ireland (HSENI) has produced guidance on stress identifying that bullying and harassment can contribute to work-related stress, available to download from: **<https://www.hseni.gov.uk/workplace-bullying-and-harassment>**

Constructive Dismissal

A member who is bullied at work may resign and complain that he or she has been unfairly constructively dismissed. In order to give rise to a constructive dismissal, the employer's conduct must

involve a fundamental breach of the employment contract. The most commonly relied upon implied term by bullied employees, as the basis for a constructive dismissal claim, is the employer's duty to maintain trust and confidence. A breach of this term may arise where the employee is bullied or harassed by the employer, or where the employer fails to protect the employee against harassment by colleagues, customers or other members of the public.

However, this is not straightforward and it is not a course of action that NIPSA recommends, because the member will be without a job and constructive dismissal claims are very difficult to win. Members are strongly advised to seek advice from their local NIPSA branch representative before deciding to resign.

Discrimination Law

Harassment on the grounds of sex, age, sexual orientation, gender reassignment, marital status or civil partnership status, religious belief, political opinion, race and disability is unlawful and it may be possible to bring a discrimination claim in the industrial tribunal. Branch representatives need to remember that the time limits for application to an industrial tribunal are not suspended during the grievance process; application to IT must be made within three months of the date of the act being complained of.

If a branch representative is thinking of lodging a tribunal case they must discuss this with the appropriate NIPSA HQ Official in the first instance.

Branch representatives need to ensure that IT complaints are submitted in good time and the tribunal then asked to stay listing the case for hearing pending the outcome of the internal process.

The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2008, places a new duty on employers to protect members from sex based harassment by customers in areas where members come into contact with the public.

Protection from Harassment (Northern Ireland) Order 1997

The Protection from Harassment (Northern Ireland) Order 1997 can also be used to deal with extreme cases of harassment at work under criminal law.

Where harassment involves physical contact or the threat of physical contact, it may be appropriate to take civil or criminal action, such as for assault, indecent assault or rape. Under the Criminal Justice (Northern Ireland) Order 2008, a person who intentionally harasses another may be guilty of an offence and may face criminal charges.

The Malicious Communications (NI) Order 1988

Provides that a person commits an offence if he/she sends to another person a letter (or any other article, e.g. e-mail) which conveys a message which is: indecent or grossly offensive, a threat, or information which is false and causes distress or anxiety to the recipient.

The Public Interest Disclosure (NI) Order 1998

Makes provision for a person (e.g. employee) to make a protected disclosure on the grounds that a person (e.g. employer) has failed, is failing or is likely to fail with any legal obligation to which s/he is subject, or that the health and safety of any individual has been or is being or is likely to be endangered. Such a disclosure must be made for example to the persons employer. Following the introduction of The Employment Act (NI) 2016 the person no longer needs to show that they made the protected disclosure in good faith i.e. the 'good faith' test has been removed.

Justice (Sexual Offences and Trafficking Victims) Act (NI) 2022

This legislation introduced a number of criminal offences:

- i. **Up-skirting:** up-skirting is when someone uses equipment like a mobile phone or mirror under a person's clothes to look at or take a photo or video of their genitals, bottom or underwear without their consent.
- ii. **Down-blousing:** down-blousing is when someone uses equipment like a mirror or mobile phone under or above someone's clothes to take an image of someone's breasts or underwear without their consent.
- iii. **Cyber-flashing:** cyber-flashing is when someone sends an unwanted sexual image or video to another person, usually by social media, text messages, Bluetooth, Airdrop or dating apps. Sending sexual images of genitals or sexual activity is against the law, even if it is computer generated. Sending an image in other ways like in the post or setting it down somewhere for someone to find is also against the law.

The Role of Health and Safety Representatives

Health and safety representatives have specific legal rights, which are relevant to tackling inappropriate behaviour in the workplace which causes stress. These include:

- The right to investigate potential hazards;
- The right to inspect the workplace and talk to members in confidence;
- The right to take up health and safety complaints of members;
- The right to be consulted about health and safety matters;
- The right to health and safety information from the employer;
- The right to inspect health and safety documents held by the employer.

These rights can be used to investigate sources of stress caused by bullying, harassment, discrimination or victimisation and to ensure there is a strategy to deal with them. Local union reps and safety reps should liaise and consult about the best way to deal with such inappropriate behaviour in the workplace.

The Role of the Branch Representative

Members who feel that they have been recipients of unwanted, unreasonable and offensive behaviour should be encouraged to discuss the matter with their local branch representative and/or member of the branch committee. Where both the alleged offender and the complainant are members of the same branch and seek assistance and/or representation, they cannot be represented by

the same person. Branches should develop an appropriate system to ensure separate representation is provided to **both** members. Branch representatives can seek advice from the NIPSA HQ Official or Seconded Officer with responsibility for their branch. If a HQ Official or Seconded Officer is to assume responsibility for representing either party this will be in accordance with the conditions set out in pages 40 and 41 of the NIPSA Rule Book for assisting members with personal cases. The following guidelines may be of use in dealing with cases.

Branch representatives should refer to centrally negotiated procedures where they exist, and ensure they are followed in the workplace.

Ensure Confidentiality

It is important that branch representatives recognise that reporting incidents of inappropriate behaviour can isolate recipients and can lead to increased victimisation. Cases need therefore to be handled **sensitively** and with the **utmost confidentiality**.

Give Control

It is also important to emphasise that the complainant has primary control of events and that no further action will be taken without his/her express consent. Without this guarantee the branch representative's long-term credibility would be seriously compromised.

Listen

The branch representative should not be too eager to offer advice until the experiences have been recounted in full. In the initial discussions with the member the branch representative should;

- a. take detailed notes of what has happened which should include dates, times and location of any incidents together with the names of any witnesses (see appendix 1 for suggested questions);

- b.** ask the member to keep a diary of any further instances and to report these to him/her;
- c.** ask the member to note any changes in work he/she is doing and any work related problems over this period in order to allow him/her to identify possible victimisation; and
- d.** if it is deemed appropriate, and the member agrees, the branch representative should try to establish if any other employees have experienced similar treatment by the same person. She/he should also establish whether other colleagues would be able to support the complaint.

When the individual has presented all the information it is often useful to try to recap in order to outline a chronological summary of events. Listening is an active process and care must be taken to ensure that the complainant is not influenced so as to present material in a particular way, nor is the recall process distorted by the views, priorities or opinions of the branch representative.

Protect

The person must be reassured that by having made this initial approach s/he has already helped to protect him/herself from further trouble because at the very least someone else now knows. Also reassure the complainant that if s/he decides that the offender should be made aware of the nature of the complaint then s/he will be protected from any further victimisation.

If in the course of this initial interview, or on any subsequent occasion, it becomes clear that the member has been the subject of a physical or sexual assault, including rape, then the branch representative should encourage that person to raise the matter directly with the relevant authorities and offer appropriate advice and representation/support in such an approach.

Be Non-Judgmental

Individuals bringing complaints often feel themselves to be on trial and feel somehow responsible or guilty. It is important to stress that as a branch representative you are neither passing judgment nor acting as an investigative officer. Instead, the branch representative's role is to listen to the story, to offer advice as to how to best move forward and then to help take positive steps towards a resolution.

Empathise but Don't Sympathise

While it is appropriate for the branch representative to empathise with the position of the complainant, there may be greater dangers associated with extending beyond empathy (understanding the person's feelings and response) to sympathy (emotional support for those feelings). It must be borne in mind that there will always be various perspectives on each case and an emotional engagement with any one perspective is not likely to facilitate a successful resolution.

Be Constructive

The person must be told what s/he has done already has been a very positive step and must have taken a great deal of courage, not only helping him/herself but in the longer term, the organisation.

Empower

The branch representative should not say outright what should or should not be done but instead should present the various alternatives and talk through the likely consequences. These may range from the branch representative or a colleague making an informal approach to the offender, to more formal actions involving a line manager, human resources, personnel or even external agencies should s/he wish. The way in which an interview with an alleged offender could be handled in order to protect the safety and/or identity of the complainant can usefully be outlined.

Support

At the request of the member, the branch representative may approach the alleged offender or accompany the member in such an approach, to tell him/her what behaviour has been complained about, explain the effects of this behaviour, ask him/her to stop, and make it clear that if the behaviour continues that a formal complaint will be made. Such an informal approach should only be taken if the branch representative is certain that it is the correct way to proceed given the circumstances of the particular case. If there is any doubt about the chances of success or the appropriateness of such a course of action the matter should be dealt with on a formal basis only.

If the informal approach fails or it is not considered appropriate, consideration should be given to whether it would be appropriate for the matter to be raised with the member's immediate supervisor. If this step is decided upon the branch representative should offer to support the member at the interview with the immediate supervisor.

If it is not considered appropriate to raise the matter with the immediate supervisor or she/he does not resolve the matter, it may be appropriate to discuss the case with the Branch Secretary. The Branch Secretary can:

- a.** advise on how to take the matter up at a higher level and, on how to invoke the complaints procedure;
- b.** take the matter up directly with management; or
- c.** consult the full-time or seconded official who looks after members working for his or her employer.

If the problem cannot be resolved at local level the Branch Secretary can refer the matter to the full-time or seconded union official who looks after their members. The appropriate official may be either a member seconded to NIPSA on a full-time or part-time basis who works in an office of their employer, or a member of the union's headquarters staff. In case of real urgency, action can be initiated by telephone. Even then a written account of the problem should follow immediately. In this way priorities can be determined and the interests of all members protected.

It is important to remember that if the potential exists for a complaint to be taken to a statutory body constituted under the anti-discrimination legislation then strict time limits apply. The LRA Code of Practice should also be followed regarding formal grievances to avoid a potential reduction in compensation if awarded by an industrial tribunal.

Negotiating a Policy and Procedure

This might be part of an overall policy perhaps called 'Dignity at Work' and might contain policies on harassment, discrimination, violence and bullying. Even the title of the policy is significant in this regard. A harassment and bullying policy may be perceived as reactive, dealing with problematic conduct after it has arisen. Alternatively, using the title of a dignity at work policy may foster the impression of an organisation that wishes proactively to promote a culture of respect and tolerance.

Some key points to include in a dignity at work policy are:

- A statement of commitment from senior management.
- A statement that such behaviour will not be tolerated in the workplace and those found guilty could face disciplinary action that may result up to and including dismissal depending on the seriousness of the conduct.
- An acknowledgement that dignity at work violations and a hostile working environment are problems for the organisation.
- An acknowledgement that such behaviour can occur online between employees inside and outside the workplace.
- A clear definition including examples of unacceptable behaviour. One option may be to alter the generic definition of harassment to eliminate mention of

specific protected characteristics or social identities. An example is given below:

“Unwanted conduct which has the purpose or effect of violating the person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.”

- The rights, roles and responsibilities of all staff.
- The role of the trade union representatives, including health and safety representatives.
- Where the employees’ duties bring them into contact with the public, the policy must recognise the employer’s duty to prevent and/or deal with any unacceptable behaviour from this source.
- Details of the steps that the organisation will take to address unacceptable behaviour such as:
 - training managers and employees in their rights and responsibilities;
 - publicising the policy throughout the whole workforce;
 - providing a specific procedure for dealing with complaints;
 - taking prompt and effective action when incidents are reported;
 - ensuring that all complaints are dealt with sensitively and confidentially;
 - that behaviour outside of the workplace can also be brought within the process, where it is clearly related to the working relationship;
 - state that no employee will be victimised for bringing a complaint;

- ▶ reference to the investigative process, including timescales for actions to be completed;
- ▶ cross reference should be made to extant disciplinary and grievance procedures;
- ▶ incorporation of counselling, rehabilitation and support mechanisms;
- ▶ how the policy is to be implemented, monitored and reviewed.

Negotiating a Procedure

A good policy statement is important but it needs to be backed up by a clear procedure which sets out how complaints are going to be handled.

The procedure should be agreed with the Union and provide for all complaints to be dealt with quickly, confidentially and sensitively.

Some key points to include in a dignity at work procedure are:

- The procedure must establish a clear union presence and should provide for the complainant and the alleged offender to be represented by the Union at all stages;
- It should include an informal stage which the complainant can use before making a formal complaint. The informal stage must give the complainant the choice about whether or not to use this part of the procedure. They should have the right to go straight to the formal procedure without using the informal stage at all if they wish;
- The procedure should be clear and easily understood. It should set strict time limits. Both the victim and the alleged offender will need to know how long the investigation will take and how it will be conducted;

- The procedure should give employees a choice about who they can approach with their complaint. There should be provision for taking complaints directly to the next most senior or designated officer where the perpetrator might be the line manager;
- The procedure should ensure that the staff involved in the investigation and all line managers have been appropriately trained;
- The procedure should make it clear that all complaints will be handled in confidence. It should be made clear to everyone involved in an investigation, including any witnesses, that breaching confidentiality will be treated as a disciplinary offence;
- In the event that it is necessary to relocate a member of staff involved, it should be made clear that the first option will be to move the offender and not the complainant (unless the complainant specifically requests a relocation);
- The procedure should make provision to protect the person making the complaint while the procedure is invoked and after any action, including disciplinary action, if taken;
- There should also be procedures for an appeal.

Updating Workplace Policies

Many of the activities carried out online cross into areas that may be covered by existing workplace policies. It is important to review these policies and ensure that they are equipped to deal with traditional issues occurring in the social media environment. Policies that should be considered are:

Equal Opportunities Policy

They should be amended to reflect the potential for discriminatory conduct both inside and outside work, and online and offline. It can also highlight the company's discrimination policy when it comes to using social media in the recruitment process.

Internet Use Policy

This can be amended to incorporate either a reasonable use policy or the conditions of a blanket ban policy on social media in the workplace.

Telephone Use Policy

This should be adjusted to accommodate the rise in social networking on work mobiles, or the broader use of using personal mobile phones in the workplace. particularly important for employers who issue company mobile phones as any misconduct occurring on company equipment can increase the potential for the employer being liable for any damage.

Grievance Procedure

A proper grievance procedure should detail the formal process for raising a work related grievance. This could be amended to ensure that complaints should not be appropriately raised via any public internet platform.

Whistleblowing Procedures

Some organisations may have a policy encouraging employees to report any information of wrongdoing to senior management. As well as whistleblowing to management, it is also possible to do so to selected public bodies. Because many relevant government organisations have a social media presence, the whistleblowing policy could be amended to specify that such disclosures would not be protected.

Social Media Policy

A stand-alone Social Media Policy can reflect many of these issues effectively; however, it is important for employers to link existing policies in order to ensure that they are fully protected.

Further Information

Training

NIPSA provides training to assist representatives in defining and recognising various forms of unwanted, unreasonable and offensive behaviour and in dealing with dignity at work violations on an individual basis and at branch level. Details are available from:

Róisín Graham, Higher Executive Officer (Training)

Email: roisin.graham@nipisa.org.uk

Check the Training section on the NIPSA website, visit: **<https://nipisa.org.uk/nipisa-in-action/training>** for all available courses. Most courses run between January and June and are then repeated from July to December. Other shorter courses are also scheduled throughout the year. Check the link above for the latest details.

Codes of Practice

Codes of Practice are available from the following statutory bodies:

Equality Commission (NI)

Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP

Telephone: 028 9050 0600

Email: information@equalityni.org

Website: www.equalityni.org/Home

Labour Relations Agency

4th Floor
James House
2 – 4 Cromac Avenue
Belfast
BT7 2JA

Telephone: 0330 055 5300

Email: info@lra.org.uk

Website: www.lra.org.uk

NI Council for Ethnic Minorities

NI Council for Ethnic Minorities
129 Ormeau Rd
Belfast
BT7 1SH

Telephone: 028 9023 8645

Website: www.nicem.org.uk

Health and Safety Executive Northern Ireland

Belfast Office
83 Ladas Drive
Belfast
BT6 9FR

Omagh Office
Boaz House
19 Scarffe's Entry
Omagh
BT78 1JG

Telephone: 0800 0320 121

Email: mail@hseni.gov.uk

Website: www.hseni.gov.uk

Northern Ireland Human Rights Commission

4th Floor Alfred House
19 – 21 Alfred Street
Belfast
BT2 8ED

Email: info@nihrc.org

Website: www.nihrc.org

Appendix 1

Typical questions which could be asked include:

Complainant/Alleged Victim

- Who was involved?
- When did the incident(s) take place?
- Where did the incident(s) take place?
- Did anyone witness the incident?
- What did the incident(s) involve?
- Had there been a previous incident(s)?
- Had there been any witnesses to previous incidents?
- How would you describe your working relationship with the alleged offender:
 - Before the incident(s)?
 - After the incident(s)?
- How did you react to the incident?
- How did the alleged offender react?
- Did anyone witness your reaction?
- Who did you first tell of the incident?
- How do you now feel about the incident(s)?
- Have you spoken to the alleged offender about how you feel?
- What was his/her response?
- Are you aware if anyone else has experienced similar behaviour from this person(s)?

- Who have you spoken to about this or previous incidents?
- What support have you had either within or outside the organisation?
- How has the incident(s) affected your work?
- Have you anything else that you would like to say?

Alleged Offender

Initially, the complaint(s) being made should be outlined and specific questions asked about the information given by the person making the complaint. The responses should be summarised and checked for concordance with the complainant's evidence. During the interview it would be important to explain that any subsequent approaches to the complainant may constitute further dignity at work violation. The following questions (or a subset) may then be appropriate.

- Is the description of the incident(s) which I have outlined an accurate portrayal of what happened?
- If no, in your own words how would you describe the incident(s)?
- When did it/they take place?
- Were there any witnesses?
- Had there been a previous incident(s)?
- Had there been any witnesses to previous incidents?
- How would you describe your working relationship with the complainant:
 - Before the incident(s)?
 - After the incident(s)?

- Were you aware of the complainant's response at that time?
- If no, when did you become aware of his/her response?
- How do you now feel about the incident(s)?
- Have you spoken to the complainant since the incident(s)?
- What was his/her response?
- Who have you spoken to about this or previous incidents?
- What support have you had either within or outside the organisation?
- How has the incident(s) affected your work?
- Have you anything else that you would like to say?



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