BULLYING AND HARASSMENT POLICY

Contents:

- Introduction
- Scope of this policy
- Aims of this policy
- Legal considerations
- Definitions
- Responsibility
- Examples of bullying and harassment
- Working environment
- Procedure for dealing with bullying and harassment
- Dealing with bullying and harassment at an informal stage
- Formal procedure
- Following the investigation
- Grievance procedure
- Related policies and documents
- Implementation, monitoring and review of this policy

Introduction

We believe all of our employees and workers have the right to work in an environment free from bullying behaviour and any form of harassment, whether this is on the grounds of a protected characteristic (race, sex, disability, sexual orientation, religion or belief, age, marital status or civil partnership, pregnancy/maternity, gender reassignment), appearance or for any other reason. Such behaviour will not be tolerated and we seek to ensure that our working environment is sympathetic to everyone with whom we deal in the course of our working activities, and that they are treated with dignity and respect.

This policy is not contractual, but aims to set out how we normally deal with such issues and the scope of this policy. This policy applies to all employees and workers, at all levels in our business.

It applies equally to an employee bullying or harassing a manager as the other way round. In addition, we aim to ensure that (as far as is practicable) employees are protected from harassment of any kind from clients/customers and other business contacts.

Aims of this policy

This policy aims to ensure that a zero-tolerance stance on bullying and harassment is adopted by all managers; to provide guidance; and to provide a means by which any employee or worker who feels that he/she is being subjected to such behaviour may raise this without fear of reprisal and under which any problems may be resolved and any further recurrence prevented.
Legal considerations

The following pieces of legislation apply to this policy:


Definitions

**Bullying** may be defined as behaviour against an individual that is intimidating, degrading, offensive or malicious and undermines the confidence and self-esteem of the recipient.

**Harassment** may be defined as unwanted conduct that either violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It may be related to any personal characteristic of the individual (whether perceived or real), or by association (ie related to the individual's relationship or dealings with others who have that personal characteristic, even if he/she does not). It may be persistent, or an isolated incident and can take many forms, from relatively mild banter to actual physical violence.

Employees may not always realise that their behaviour constitutes bullying or harassment but they must recognise that what is acceptable to one person may not be acceptable to another. The fact that bullying or harassment was not intended does not mean that it cannot have occurred; however, bullying or harassment will not have taken place if the claimant’s perception of the conduct in question is unreasonable in all of the circumstances. Note that the person complaining of bullying or harassment need not necessarily be the person towards which the behaviour was directed. For example, a person who overhears comments made to someone else, and who is offended by those comments, may still make a complaint of bullying or harassment.

Responsibility

It is the duty of our managers and supervisors/team leaders to implement this policy, and all employees are expected to comply.

Managers and supervisors/team leaders should ensure that their team members understand the standards of behaviour expected of them and should quickly act on any behaviour that falls below these standards. Any manager or supervisor/team leader who becomes aware of behaviour which breaches this policy, irrespective of whether a complaint has been made or not, has a responsibility to ensure this is dealt with confidentially and promptly, either informally for an initial minor breach or using this formal procedure where appropriate.

Employees also have a responsibility to behave appropriately in the workplace and to treat everyone with dignity and respect. If they observe or have evidence of inappropriate behaviour they should either tell the individual concerned to refrain from that behaviour, or else should report this to their supervisor/team leader or manager. Employees should also respond promptly to any feedback on their own behaviour, whether from a colleague or manager.

Examples of bullying and harassment

We outline below the types of behaviour that are unacceptable and the actions employees should take if they feel they are being subjected to bullying or harassment. The examples below are not exhaustive but give a clear indication of the sorts of actions that constitute bullying or harassment. Serious examples may constitute gross misconduct which could lead to summary dismissal.
• **unwanted physical conduct** - such as unnecessary touching, patting, pinching, brushing against another person's body; insulting behaviour or obscene gestures; physical threats, aggressive behaviour and/or assault.

• **unwanted verbal conduct** - such as unwelcome advances; patronising titles or nicknames; offensive or insulting comments; propositions or remarks; innuendo; lewd or suggestive comments; over-familiar behaviour; slogans or songs; insensitive jokes, gossip and slander (including speculation about a person's private life and sexual activities); banter or abusive/offensive language which is either threatening or refers to a person's sex, race (including colour and ethnic or national origins), disability, sexual orientation, religion or belief, age, marital status or civil partnership, pregnancy/maternity or gender reassignment.

• **unwanted non-verbal conduct** - such as racially or sexually based graffiti or graffiti referring to an individual's characteristics or private life; abusive or offensive gestures; leering; whistling; creation, distribution or display of suggestive or offensive pictures, objects or written materials (including "pin-up" calendars) or videos through any means.

• **bullying** - includes unwanted physical contact or assault but also verbal bullying such as insulting or threatening comments; comments intended to undermine, belittle, embarrass or humiliate the recipient; personal abuse, either in public or private, which humiliates or demeans the individual involved.

• **virtual bullying** - includes distribution of unwanted emails, texts, images or humiliating data published on social networking internet sites or abusing our technology or using the employee's own technology to contact a colleague in an intimidating or malicious manner.

• **coercion** - including threats of dismissal or loss of promotion etc for refusal of sexual (or other) favours (or promises made in return for sexual or other favours); pressure to participate in political or religious groups etc.

• **isolation or non-co-operation at work** - deliberate exclusion from communications including group emails, conversations or social activities; setting unrealistic deadlines; substituting responsible tasks with menial or trivial ones; withholding information or giving false information; constantly undervaluing effort.

Such conduct is employment related if, for example, submission to, or rejection of, the conduct is used as a basis for an employment decision; or if the conduct interferes with the affected person's work performance; or if it creates an intimidating, hostile, humiliating or offensive working environment.

Bullying or harassment can be a single serious incident or persistent and repeated, continuing after the person subjected to it makes it clear that he/she wants it to stop.

All employees should note that any act(s) of bullying or harassment committed by them in the course of their employment will be dealt with under this procedure. This includes not only situations occurring whilst at work, but also at any time on our premises, or externally whilst attending social functions or training courses etc in the course of their employment. It also covers emails, phone calls and texts sent by them outside of work using either our or the employee's own equipment, as well as posts on social networking sites, such as Facebook or MySpace.

Employees should always consider how their behaviour or conduct would appear to a senior manager.
or relative, or if it were reported in the press or on TV, and to refrain from any language or behaviour which would reflect unfavourably on them.

**Working environment**

In addition to bullying and harassment at work being a violation of employment and health and safety laws, and also a contravention of criminal and/or civil law in some circumstances, this type of behaviour can reduce the effectiveness of our organisation by creating a hostile or threatening environment. The damage, tension and conflict which harassment and bullying creates not only results in poor morale for all, but also divided teams and reduced productivity. Employees can be subject to fear, stress and anxiety, which not only affect their contribution within the workplace but can also put great strains on their personal and family life, leading to illness, increased sickness absence and staff turnover.

Therefore, all complaints of bullying or harassment will be treated very seriously.

**Procedure for dealing with bullying or harassment**

The sensitive nature of complaints of bullying or harassment is recognised and therefore a choice of routes is provided in order to encourage employees and workers to discuss any problems in confidence with someone they trust and feel comfortable talking to.

Anyone who believes he/she has been the subject of bullying or harassment in the course of his/her work may either initially address the matter informally with his/her immediate manager or may make a formal complaint using this procedure. If he/she prefers, one of the following designated people may be contacted as an alternative: HR Manager/Bursar. In all cases, we will treat the matter as strictly confidential.

**Dealing with bullying and harassment at an informal stage**

An employee or worker who, at any time, feels that he/she is a victim of minor bullying or harassment should make it clear to the perpetrator as soon as possible that the behaviour is unacceptable to him/her, explain the effect that the behaviour is having on him/her and that it must stop. If he/she feels unable to do this verbally then a written request may be effective or, alternatively, one of the people designated above may be requested to approach the person on the individual's behalf or to help him/her in taking such action. The latter approach may be more effective if the perpetrator is a client/customer or business contact.

The employee or worker may wish to keep a written record of the details of any incidents of perceived bullying (including date; time; place; name of person allegedly harassing the individual; what happened including verbatim quotes of relevant comments where possible; how the individual felt at the time; names of any witnesses and any action taken), and retain any texts, emails, voice messages or other evidence that may support his/her allegations.

**Formal procedure**

Where informal methods fail, or serious bullying or harassment occurs, a formal written complaint should be made and, if necessary, assistance should be sought from one of the people designated above. Whilst recognising the employee or worker's feelings and the effect the alleged behaviour may have had on him/her, it is important to establish the facts and he/she will be asked to provide details of the allegations, ie:

- what happened?
• where did it occur?
• who was involved?
• was this the first incident?
• when did it occur?
• were there any witnesses?
• has any action been taken to prevent further repetition of the behaviour?

This complaint may be made to either the employee or worker’s immediate line manager or to the HR Manager.

The employee or worker may, if he/she wishes, be supported throughout the procedure and at any meetings by any of the people designated above or by a colleague of his/her choice.

The person receiving the complaint will carry out a thorough investigation as quickly as possible. When asking questions it is important for managers to be sensitive and to take care not to phrase questions in a way that implies that the bullying/harassment may in some way have been directly or indirectly invited and to avoid remarks that appear to trivialise the experience or suggest that it was imaginary. The intention of the alleged bully/harasser is irrelevant; it is the effect on the complainant that is important.

Consideration will be given to whether the alleged bully or harasser should be redeployed temporarily, or suspended on full pay or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation.

All employees (and also any external parties) involved in the investigation are expected to respect the need for confidentiality. Failure on the part of employees (whether recipient, perpetrator or witnesses) to do so will be considered a disciplinary offence. Copies of statements made by witnesses will be made available to both the person making the complaint and the alleged bully/harasser, but the names of the witnesses may be withheld if they request to remain anonymous, and particularly if they have a genuine concern or fear of reprisal.

Where the manager in charge of dealing with a complaint believes, after investigation, that bullying or harassment may have taken place, if the alleged bully/harasser is an employee, he/she will invoke the disciplinary procedure to ensure that an employee accused of this behaviour has every opportunity to defend or explain his/her actions. The employee will be entitled to be accompanied at any disciplinary hearing. Common responses to allegations of bullying/harassment include denial or disbelief that the behaviour was offensive or was not welcome. None of this alters the fact that a complaint has been made which may lead to disciplinary action.

The severity of the penalty imposed upon an employee believed to be guilty of bullying/harassment will be consistent with other disciplinary offences. Where the bully/harasser is given a warning short of dismissal, discussions will take place with the person making the complaint, and, where necessary, any reasonable steps will be taken to alter working practices to minimise contact between the affected employees.

An employee who receives a warning or is dismissed for bullying or harassment may appeal against the penalty in accordance with our disciplinary procedure. In serious cases, for example rape or assault, criminal charges may be appropriate and it may be necessary to refer the case to the police.
Where the complaint is made against a client/customer, supplier or other business contact, this will be investigated and such steps will be taken as are reasonably practicable to protect the employee or worker.

As a general principle, the decision to progress a complaint rests with the employee. However, we have a duty to protect all employees and workers and we may pursue a complaint independently if we consider it is appropriate to do so in all the circumstances.

Anyone who brings a complaint of bullying or harassment will not suffer victimisation for having brought the complaint. The complainant should not be moved except at his/her request or in exceptional circumstances. However if the complaint is untrue and has been brought in bad faith (eg spite) disciplinary action will be taken.

Following the investigation

Full consideration will be given to how the ongoing working relationship between the parties should be managed going forwards. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party. This will apply even where a complaint is not upheld (for example, where evidence is inconclusive).

Once this has been resolved and time has been given to allow relationships to stabilise and return to normal in the workplace, contact should be maintained with the affected employees informally. If further problems of bullying, harassment or victimisation are encountered, or the employee or worker continues to suffer stress or anxiety, immediate action should be taken to investigate or find a solution.

Grievance procedure

Our bullying and harassment policy is intended to give guidance and support, taking into account the sensitivity and serious nature of such issues. However, an employee or worker who is not happy with the outcome of a complaint raised under this policy (or who feels, after time, that the situation has either not improved or has deteriorated again), may use the grievance procedure instead. Our grievance procedure may be used as an alternative procedure, but not as an additional procedure for the same issue.

Related policies and documents

We also have the following related policies and documents: disciplinary procedure; equal opportunity policy; grievance procedure; whistleblowing policy.

Implementation, monitoring and review of this policy

This policy will take effect from 1 June 2016 and the HR Manager has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation and may be changed from time to time.

Any queries or comments about this policy should be addressed to the HR Manager.