

ANTI-BULLYING & ANTI-HARASSMENT POLICY

Introduction

We believe that everyone should be treated with dignity and respect at work. Bullying, harassment and sexual harassment will not be tolerated in our business. This policy aims to identify what is meant by “bullying”, “harassment” and “sexual harassment”, and sets out our position in relation to combating them. The procedures for dealing with complaints are set out separately in this Employee Handbook.

In this policy we will refer to both harassment and sexual harassment as “harassment”. There are some provisions which only relate to sexual harassment and where this is the case it will be stated.

Bullying and harassment will not be tolerated in the workplace, or outside the workplace in a work-related context, such as on business trips, customer or supplier events or work-related social events or online / social media.

Bullying or Harassment can occur whether or not that effect is intended. It is the effect on the victim which is important, not whether or not the perpetrator intended to bully or harass them. Harassment or bullying is unacceptable even if it is unintentional.

This policy applies to employees, agency workers, apprentices, remote workers, and temporary workers.

We also make it clear to our consultants, contractors, service users, visitors, volunteers and others with whom we work that bullying or harassment of our staff is unacceptable. Inappropriate behaviour by third parties may lead to termination/non-renewal of contract, suspension/non-renewal of services, exclusion from premises or the imposition of other appropriate sanctions as may be deemed appropriate.

We will comply with all relevant codes of practice including the EHRC Employment Statutory Code of Practice.

We will take all reasonable steps to ensure that our employees have received training and understand their responsibilities regarding this procedure. You should note that employees can be held personally liable for harassment at work. Employers have a defence to claims if they can demonstrate that all reasonable steps were taken by the employer to ensure that harassment did not occur. We are committed to taking all such reasonable steps.

Complaints by employees will be treated with fairness and sensitivity and in as confidential a manner as possible. Please raise any issues with your line manager in the first instance, or if you feel uncomfortable doing so talk instead to another senior manager. Please also refer to the Procedure for Dealing with Complaints of Bullying, Harassment or Sexual Harassment.

Definitions

“Bullying” is defined as offensive, abusive, intimidating, malicious or insulting behaviour which makes the recipient feel upset, threatened, humiliated or vulnerable. Excluding and/or ignoring someone can also constitute bullying.

In deciding whether conduct has this effect, the following will be taken into account:-

- (a) the perception of the alleged victim;
- (b) the other circumstances of the case; and
- (c) whether it is reasonable for the conduct to have had that effect.

Bullying behaviour may occur via cyber or digital means and may be experienced by employees whether they work at a fixed location, at home or are mobile.

Unacceptable behaviour includes (this is not an exhaustive list):

- constantly criticising someone’s work;
- spreading malicious rumours;
- constantly putting someone down in meetings;
- deliberately giving someone a heavier workload than everyone else;
- excluding someone from team social events;
- putting humiliating, offensive or threatening comments or photos on social media;
- copying memos that are critical about someone to others who do not need to know;
- ridiculing or demeaning someone, picking on them or setting them up to fail;
- deliberately excluding someone from communications or meetings without good reason;
- unfair treatment, e.g. not letting someone go on training courses that everyone else is allowed to go on;
- overbearing or intimidating supervision or other misuse of power or position;
- ‘upward bullying’, e.g. someone at the same or a more junior level showing continued disrespect, refusing to complete tasks, spreading rumours, constantly undermining someone’s authority, or doing things to make the person seem unskilled or unable to do their job properly;
- making threats or comments about job security without foundation;
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to a worker in the course of their employment will not, on their own, amount to bullying.

“Harassment” is defined as unwanted conduct towards another person on the grounds of a protected characteristic, which has the purpose or effect of violating dignity and/or creating an intimidating, hostile, degrading and humiliating environment for that person.

In deciding whether conduct has this effect, the following will be taken into account:-

- (a) the perception of the alleged victim;
- (b) the other circumstances of the case; and

(c) whether it is reasonable for the conduct to have had that effect.

Protected characteristics for anti-harassment law are:

- age;
- disability (past or present);
- gender reassignment;
- race, colour, nationality, ethnic or national origins;
- religion or belief;
- sex; and/or
- sexual orientation.

While not an exhaustive list, forms of harassment include:

- physical contact;
- jokes, banter and mimicry;
- offensive language, shouting or behaving in an intimidating manner;
- gossip;
- slander;
- offensive, insensitive or sectarian songs or messages (including email);
- displaying posters or pictures, graffiti, emblems, flags;
- obscene or offensive gestures;
- offensive email and screen savers etc;
- isolation or non co-operation and exclusion;
- coercion for sexual favours or sexually suggestive remarks;
- pressure to participate in political/religious groups;
- intrusion by pestering, spying and stalking;
- continued requests for social activities after it has been made clear that such suggestions are not welcome; and
- verbal, non-verbal or physical conduct of a sexual nature.

Harassment may also be based on a perception of another person, for example that the person is gay, or is disabled, whether or not this perception is correct and even if the alleged harasser knows that their perception is, in fact, wrong.

Harassment can also occur because someone is associated with another person, for example, someone who is harassed because they care for a disabled person, or a white worker who sees a black colleague being subjected to racially abusive language which also causes an offensive environment for her.

“Sexual Harassment” means unwanted conduct of a sexual nature which has the purpose or effect of violating a person’s dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive to that person.

In deciding whether conduct has this effect, the following will be taken into account:-

- (a) the perception of the alleged victim;
- (b) the other circumstances of the case; and
- (c) whether it is reasonable for the conduct to have had that effect.

The conduct need not be sexually motivated; it only needs to be sexual in nature. This includes a wide range of behaviour, e.g.:

- sexual comments or jokes;
- displaying sexually graphic pictures, posters or photos;
- suggestive looks, staring or leering;
- propositions and sexual advances;
- making promises in return for sexual favours;
- sexual gestures;
- intrusive questions about a person's private or sex life or a person discussing their own sex life;
- sexual posts or contact on social media;
- spreading sexual rumours about a person;
- sending sexually explicit emails or text messages; and
- unwelcome touching, hugging, massaging or kissing.

A person can experience unwanted conduct from someone of the same or a different sex.

Sexual interaction that is invited, mutual or consensual is not sexual harassment (because it is not unwanted), but situations change and sexual conduct that has been consensual in the past may become unwanted.

We have carried out an assessment to assess the risk of sexual harassment occurring in our workforce, the steps we could take to reduce those risks and which of those possible steps are reasonable. This risk assessment will be reviewed regularly.

Third party sexual harassment

In your work, you will have contact with third parties, such as customers or suppliers. We will not tolerate sexual harassment of our staff by any third party. As with any harassment or bullying, if you experience or witness harassment by a third party, we would urge you to report it in accordance with this policy.

We will take the following steps to prevent harassment by third parties:

- make it clear to our customers/clients/service users, suppliers and others who work with us that sexual harassment of our staff is unacceptable, e.g. by posting notices at the entrances to our premises, or in recorded messages at the beginning of telephone calls;
- provide regular training for managers and staff to raise awareness of rights related to sexual harassment and of this policy;
- provide specific training for managers to support them in dealing with complaints;

- take steps to minimise occasions where staff work alone;
- where possible, ensure that lone workers have additional support;
- carry out a risk assessment when planning events attended by customers and/or suppliers.

If a complaint of third-party harassment is received, we will seek to investigate the allegation and may:

- warn the third party about their behaviour;
- ban them from our premises;
- report any alleged criminal acts to the police;
- share information with others in the organisation on a “need to know” basis.

Less favourable treatment for rejecting or submitting to unwanted conduct

A person will also commit harassment if they (or anyone else) engage in unwanted conduct (of a sexual nature or otherwise) as described above, and the victim either rejects or submits to it and, because of that rejection or submission, that person treats the victim less favourably. For example, it will be harassment for a manager whose repeated advances to a more junior employee have been consistently rebuffed subsequently to give that employee a poor performance review because they rejected the manager’s advances.

“*Victimisation*” occurs where someone is treated less favourably because they have made a complaint or assisted someone else in making a complaint of discrimination or harassment.

Victimisation is discrimination contrary to the anti-discrimination legislation. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

Marks of religious or cultural identity

There are many ways in which people convey religious or cultural identity to others. In this category would fall emblems or marks of religious observance that may be associated primarily with one religion or culture but are unlikely to be regarded as creating an intimidating or hostile working environment.

When these marks of identity are displayed with decorum (and, if appropriate, during the designated time) and with a sense of due proportion, we are of the view that they are unlikely to create or sustain a hostile environment. It would be unacceptable however if an individual was made to feel uncomfortable for wearing or not wearing any particular emblem or mark or if these emblems or marks were being flaunted before or forced on someone not wearing them.

There may be occasions where the display of a particular item may be inappropriate for reasons relating to a genuine occupational requirement (e.g. health and safety) and these other factors must also be taken into account.

Your responsibilities

Every individual in the workplace has a role in promoting a positive workplace free from bullying and harassment.

Everyone working for us has a responsibility to help ensure a working environment in which the dignity of all employees, clients and customers is respected. Everyone must comply with this policy, and you should ensure that your behaviour to colleagues, clients and customers does not cause offence and could not in any way be considered to be bullying or harassment. Joking or 'banter' among colleagues relating to any of the protected characteristics listed above is strictly prohibited.

You should discourage bullying and harassment by making it clear that you find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint. Any employee who is aware of an incident of bullying or harassment should alert a member of management.

Responsibilities of Managers and Supervisors

It is the responsibility of managers and supervisors to:

- familiarise themselves with all relevant policies;
- uphold our policies as an integral part of their work;
- promote awareness of this policy among staff;
- communicate policies to staff and non-staff members;
- participate in any training required by the employer;
- be vigilant for signs of bullying and/or harassment;
- intervene in any instance where offensive behaviour is observed or brought to their attention;
- provide a good example by treating all in the workplace with dignity and respect;
- respond sensitively and confidentially to a staff member who makes a complaint of bullying or harassment;
- respond promptly to requests from staff to intervene promptly and seek to resolve the matter informally where appropriate;
- explain the procedures to be followed if a complaint is made;
- ensure that the alleged perpetrator is treated fairly;
- ensure, so far as practicable, that the staff member is not victimised for raising a complaint;
- monitor and follow up situations after a complaint is made to ensure that it does not reoccur.

The organisation's responsibilities

We have a duty to implement our policies and make every effort to ensure that bullying and harassment does not occur. We will ensure that employees are made aware of and understand the terms of the policies and will support any employee who makes a complaint. Where updates to policies or further training on policies are required, we will clearly communicate this and provide appropriate training to employees.

Complaining about harassment, sexual harassment or bullying

We recognise the right of employees to complain about bullying and harassment should they believe they have been a victim. All complaints will be dealt with seriously, promptly and confidentially. Every

effort will be made to ensure that employees making complaints and others, who give evidence or information in connection with the complaint, will not be victimised.