

Harassment & Bullying - Policy and Procedure

Policy

The Company recognises that we all have the right to be treated with dignity and respect, and encourages employees to behave in such a manner towards each other. The Company is committed to protecting the rights of all employees, regardless of gender, age, race, ethnic origin, nationality, disability, religious belief, sexual orientation, transsexual or transgender issues and we will work to ensure that they will not be disadvantaged by conditions or requirements which cannot be shown to be justifiable. It is also committed to providing victims with guidance, support and an effective means of resolving complaints. No form of harassment or bullying will be tolerated at work, or outside work, if it has a bearing on the working relationship. Examples may include external training, Company functions, or issues that take place or continue outside of work but have a negative impact on the individual(s) whilst they are at work. Where such behaviour is proven, the perpetrator will be subject to disciplinary action, which may lead to dismissal or demotion or some other sanction. Serious instances will be classified as gross misconduct.

The Company will ensure as far as is reasonably practicable that complainants are not victimised or treated less favourably as a result of their action(s).

The Company is determined to ensure that this Policy and Procedure is fair and objective and is not abused in any way. Employees must understand that if a complaint is found to be wholly groundless or malicious, disciplinary action will be taken against the complainant, which may result in dismissal or some other sanction such as demotion or formal warning.

This Policy should be read in conjunction with the Company's Equality & Diversity and Discipline & Grievance policies.

Definitions

Harassment, bullying and victimisation are considered to be unwanted forms of behaviour that are offensive and cause serious emotional or physical harm to the recipient. Harassment or bullying may take many forms and range from mild banter and sexual connotations to actual physical violence. They are humiliating forms of behaviours that are unacceptable at any level within the working environment.

Harassment is defined as *“unwanted 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”.*

Bullying is defined as *“offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel undermined, humiliated, denigrated or threatened.”*

Both the Company and the bully or harasser may be held liable and ordered to pay damages for such behaviour, as it is unlawful.

Employees must remember that everyone is different in their interpretation of “harassment” and “bullying” and what may be acceptable to one person may not be acceptable to another. Harassment, bullying and victimisation are defined by how the person feels and not by what the harasser/bully intended.

The following is a list of examples of harassment and bullying **but it is by no means exhaustive**:

- Physical abuse, e.g. pushing, hitting, shaking or blocking someone’s way.
- Shouting and swearing at an individual, making threats.
- Personal insults and name-calling.
- Spreading malicious rumours.
- Punishments given for no apparent reason.
- Persistent criticism and belittling individuals.
- Excessive close supervision with unreasonable fault-finding or excessive workloads.
- Setting unrealistic targets on purpose, setting people up to fail.
- Removing responsibility and allocating menial tasks.
- Freezing people out.
- Racial abuse.
- Displays of offensive materials, e.g. pin-ups, pornography, either actual or electronic images.
- Requests for and insistence on sexual favours.
- Threat of dismissal or loss of promotion for refusal of sexual favours.
- Unnecessary physical contact.
- Insensitive jokes or pranks or lewd comments.

Anyone wishing to discuss any form of bullying, harassment or victimisation directed towards them should approach their manager informally or formally through the Grievance Procedure. Alternatively, if the manager is not the appropriate person then any member of the HR Department can be approached for advice in the first instance.

What Distinguishes Bullying from Harassment

The table below looks at the different elements of harassment and bullying, which in turn illustrate the subtle differences between the two.

It should be noted that the points listed may not occur in every respective situation of harassment and bullying and there may be an overlap of behaviours in different incidents.

Harassment	Bullying
Strong physical component, e.g. contact and touch in all its forms, intrusion into personal space and possessions, damage to possessions including a person's work.	Largely psychological (e.g. making criticisms, degrading comments). Bullying can become physical at a later time.
Tends to be a focus on the individual because of who they are, e.g. a man or women, are of an ethnic origin, or have a disability. Therefore, harassment is usually linked to prejudice, discrimination, for example in the areas of gender, race, religion etc.	Less focus on who the person is and more on what the person is, e.g. a recently promoted individual, a high performer, working in a particular role, at a certain job level/grade. Although bullies are prejudiced, bullying is often on the basis of competence rather than gender, race, sexual orientation etc.

Harassment	Bullying
Harassment could be a single incident or it can occur over a few or many incidents.	Bullying tends to be an accumulation of many small incidents which on their own may not seem significant but collectively they can amount to repetitive negative actions that are directed at one person.
Harassment can be more evident than bullying, for example acts such as indecent or sexual assault are easy to identify as acts of harassment.	Bullying can be harder to detect and it takes a number of incidents, which may be different in nature, to realise that bullying is happening. For example a colleague withholding information from the victim or making unjustified comments about their performance at work are subtle acts.
Offensive vocabulary can be used in situations of harassment.	Offensive language is used less often in situations of bullying. The focus may be more on trivial criticisms and actions of bullying may be opportunistic.
Can be more public to gain peer approval, or be an act of bravado etc.	Tends to be more secret behind closed doors with no witnesses.
The harasser often perceives their target as easy to harass.	The target is seen as a threat who the bully wants to control and dominate, and in some cases ultimately remove from the team/department/organisation.
The harasser often lacks self-discipline.	The bully is driven by envy of the victim's abilities and resentment of their popularity and relationships at work.

Minor Acts of Harassment or Bullying

If an employee makes it clear to the perpetrator that their actions are not acceptable, then any further actions of that nature may be considered to be an act of harassment or bullying.

Serious Acts of Harassment or Bullying

In addition, any single, serious act of harassment or bullying, where the perpetrator should reasonably be aware that their actions are unacceptable, will, following investigation, result in disciplinary action being taken against them. This could result in dismissal.

Responsibilities

- The HR Manager has overall responsibility for the effective delivery of this Policy.
- All directors and managers are responsible for ensuring that the requirements of this Policy are implemented in full and that reviews of the practice within their departments and teams are carried out in relation to harassment, bullying and victimisation.

- Managers are responsible for ensuring that the work environment is free of intimidation and offensive behaviour and conducive to the principles of equal opportunity and diversity.
- All directors, managers and employees have a responsibility to adhere to this Policy and to eliminate any act of harassment, bullying and victimisation at work.
- All employees have a responsibility to comply with the Policy and to treat colleagues with respect and dignity. In addition, all employees have a
- Responsibility to take appropriate action to eliminate any harassment, bullying, victimisation or intimidation of which they become aware.
- All directors, managers and employees will undertake training where required and will be expected to comply with this Policy.

Procedure

The Company seeks to encourage employees to come forward in complete confidence with any harassment, bullying or victimisation grievances or complaints they may have, and the Grievance Procedure should be followed in this respect. The procedure allows for problems to be resolved informally or through mediation (with consent from all parties) where possible, or formally. The complainant may elect to use either of these options, depending on the severity of the complaint. Complainants are advised to keep a record of incidents at all stages whilst the details are still clear as this will help to deal with the issues later on.

In addition to the support of the HR Department, managers and directors, the Company provides all employees with access to an Employee Assistance Programme (EAP), where trained counsellors are available to give help, general advice and support at all stages in line with the Company's policies.

Voicing Your Concerns

No employee should ever be made to feel that they have to put up with unacceptable behaviour from another employee or manager, and every instance of harassment, bullying or victimisation that is reported will be dealt with in strictest confidence and in a wholly professional manner. Anyone who is a victim of minor bullying or harassment is advised to make it clear to the bully or harasser that they consider the behaviour unacceptable and request that they immediately stop the offensive behaviour.

If you feel you have been harassed or bullied, or that your informal approach has not brought about the desired changes, then you should report the matter to either your manager or, if that is not appropriate, a manager of an appropriate seniority, a director or to the HR Department. At this stage the Grievance Procedure will be followed, including to attempt to resolve the issues in an informal way if the relevant parties choose to do so, or to use mediation as an option to a formal procedure. However, subject to the outcome of that discussion, a formal investigation may then take place within the scope of the Grievance Procedure.

Responding To An Allegation Made Against You

The following procedures are designed to ensure fair treatment of all parties, including employees who are accused of harassment, bullying or victimisation:

Informal Complaint

Depending on the severity of the alleged offence, victims of harassment, bullying or victimisation are encouraged to use the informal procedure in the first instance. In some cases the alleged perpetrator may be unaware that his/her behaviour has caused any offence and had no intention of harming the complainant. It might be that the complainant merely wishes for the behaviour to cease and the informal procedure is sufficient to achieve this. If you receive an informal complaint, whether direct from a complainant or via a confidential third party, manager, director or the HR Department, you must:

- Recognise that the complainant has chosen not to pursue their complaint on a formal level; you must therefore maintain strict confidentiality
- Not refuse to meet either the complainant or another employee acting on their behalf; such a refusal could necessitate a formal investigation
- Acknowledge the feelings of the complainant and not dismiss their concerns
- Act to remedy the situation on a personal basis and aim to protect the working relationship
- Not, under any circumstances, victimise the complainant – remember, the complaint may have arisen due to poor communication or a misunderstanding.

Formal Complaint

If a formal complaint is brought against you, your manager and a member of the HR Department will conduct an investigation. This investigation will be conducted within a reasonable timeframe, objectively, sympathetically and with due regard to the rights and feelings of everyone concerned. All parties will be given the opportunity to state their case.

The investigation will seek to establish the facts of the case. It will include confidential interviews with the complainant, the accused person and any relevant witnesses. The aim of the investigation will be to determine if there is reasonable proof that harassment, bullying or victimisation has taken place.

In the case of a formal complaint against you:

- You must maintain strict confidentiality
- You must not attempt in any way to influence the outcome of the investigation. If the accusation is unfounded, you have nothing to fear
- If disciplinary action is taken against you, you will have the right of appeal as set out in the Disciplinary Procedure
- You must not, under any circumstances, victimise the complainant
- Details of the outcome will be sent in writing to both parties.

Monitoring and Review

The Harassment & Bullying Policy will be monitored at regular intervals in order to ensure:

- It succeeds in helping to prevent and resolve bullying, harassment and victimisation problems
- It is applied fairly, consistently and practically
- Confidentiality is maintained by all concerned.

As part of any review, the HR Department will check the following:

- The number and type of cases referred to them and the outcomes
- Compliance with the procedure, e.g. confidentiality, time-scales etc
- Outcomes of investigations, fairness and consistency
- Any related legal action(s)
- Any further training and support that employees, managers or directors may require
- Their own position as HR representatives, e.g. able to cope with demand, need for additional training or other support etc.