



BULLYING AND HARASSMENT POLICY

Purpose

It is the College's aim to provide a working environment that respects the rights of all employees. Any behaviour that undermines this aim is totally unacceptable.

The College therefore deplores all forms of harassment and bullying, which will not be tolerated under any circumstances.

While implementing and upholding the policy is the duty of all managers and supervisors, employees also have a responsibility to ensure that harassment has no place in the workplace.

Scope

All employees of the College are covered by this policy.

Principles and Procedure

The following procedure has been designed to inform employees about the type of behaviour that is unacceptable and provides employees who are the victims of harassment and bullying with a means of redress. The College will not tolerate harassment or bullying of:

- job applicants and new recruits
- employees
- contractors
- agency workers
- the self-employed
- ex-employees
- customers/clients
- students

This policy also applies to work-related functions held outside of normal working hours, either on or off the College's premises, such as Christmas parties, leaving celebrations, working lunches, etc.

The College will also not tolerate harassment of staff by third parties, eg clients or customers and will take appropriate action to deal with all instances which are reported.

Harassment

Definition

Harassment is unwanted conduct that intentionally or unintentionally violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment for him or her.

Each person has the right to decide what behaviour is either acceptable or unacceptable; if an employee finds certain behaviour unacceptable and he or she feels damaged by it, then that employee has every right to say so, and his or her right to do so will be respected.

People can be subjected to harassment on a wide variety of grounds. These include:

- sex or gender
- sexual orientation
- transsexualism (gender reassignment)
- marital status
- race, nationality, ethnic origin, national origin or skin colour
- disability
- age
- employment status, eg part-time, fixed-term, permanent, self-employed, agency worker, contractor, sub-contractor etc
- membership or non-membership of a trade union
- the carrying out of health and safety duties
- religious or political beliefs
- deeply held personal beliefs
- criminal record
- health, eg AIDS/HIV sufferers, etc
- physical characteristics
- willingness to challenge harassment - being ridiculed or victimised for raising a complaint

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, just one incident may constitute harassment if it is sufficiently serious. As harassment can occur on a variety of grounds, anyone perceived to be different is at risk. Harassment on any grounds, including the above, will not be tolerated.

Harassment at work is not only demeaning, it is also unlawful under the Equality Act 2010.

The College, together with any managers or supervisors who fail to take steps to prevent harassment or investigate complaints, may be held liable for their unlawful actions and be required to pay damages to the victim, as may the employee who has committed the act of harassment.

There is no limit to the compensation that can be awarded in employment tribunals for acts of harassment. Harassment on any grounds may also be a criminal offence under the:

- Criminal Justice and Public Order Act 1994
- Protection from Harassment Act 1997 and Criminal Justice and Police Act 2001
- Anti-terrorism, Crime and Security Act 2001 (which cites religiously aggravated harassment as a criminal offence)

These Acts mean that employees who are harassed by fellow employees may call in the police. Those found guilty face fines and/or periods of imprisonment of up to two years.

Examples of harassment

Harassment takes many forms - from relatively mild banter to actual physical violence. Employees may not always realise that their behaviour constitutes harassment, but they must recognise that what is acceptable to one employee may not be acceptable to another - determining what is acceptable is an individual right that we must all respect.

Examples of harassment include (but are not restricted to):

- verbal harassment - examples include crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip, and offensive songs or making insulting gender-based remarks
- non-verbal harassment - examples include wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screensavers), graffiti, offensive letters, offensive e-mails, text messages on mobile phones and offensive objects
- physical harassment - examples include unnecessary touching, patting, pinching, or brushing against another employee's body, intimidating behaviour, assault, and physical coercion
- coercion - examples include pressure for sexual favours (eg to get a job or promotion) and pressure to participate in political, religious or trade union groups, etc
- isolation or non-co-operation and exclusion from social activities
- intrusion - examples include stalking, pestering, spying, etc

Bullying

Definition

Bullying is a sustained form of psychological abuse that aims to make victims feel demeaned and inadequate. Bullying is defined as 'offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of, intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately the self-questioning of their worth, both in the workplace and society as a whole'.

Examples of bullying

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions like deliberately ignoring someone at work. These can be split into two categories:

Obvious bullying

Examples include:

- shouting or swearing at people in public and private
- ignoring or deliberately excluding people
- persecution through threats and instilling fear
- spreading malicious rumours
- constantly undervaluing effort
- dispensing disciplinary action which is totally unjustified
- spontaneous rages, often over trivial matters

Less obvious bullying

Examples include:

- withholding information or supplying incorrect information
- deliberately sabotaging or impeding work performance
- constantly changing targets
- setting individuals up to fail by imposing impossible deadlines
- removing areas of responsibility and imposing menial tasks
- blocking applications for holiday, promotion, or training

These examples listed are not exhaustive. The actions listed must be viewed in terms of the distress they cause the individual. As with harassment, it is the perceptions of the recipient that determines whether any action or statement can be viewed as bullying.

The Impact of Harassment and Bullying

Harassment and bullying can extract a high price on our employees and the College alike. Employees can be subject to fear, stress, and anxiety, which can put great strains on personal and family life. Harassment and bullying can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignation.

The damage, tension and conflict that harassment and bullying creates should not be underestimated. The result is not just poor morale but higher staff turnover, reduced productivity, divided teams, poor service and poor product quality.

Our public image can be badly damaged when incidents of harassment and bullying occur, particularly when they attract media attention. This can result in us losing some of our customers, who could equally communicate negative views and comments to other companies or personal contacts.

Enforcement

The examples of harassment and bullying provided in this policy are not exhaustive. Any harassment or bullying will be classed as gross misconduct, for which employees may be summarily dismissed.

All employees will be informed of the College's policy towards harassment and bullying during their induction training. The policy will also be available to all employees in the Handbook and on the Intranet. In addition

when appropriate awareness training and communications will be provided it will be stressed that all complaints of harassment will be treated very seriously.

The College expects all managers and supervisors to ensure that this policy and procedure is adhered to at all times and expects all employees to respect the dignity of their colleagues. The policy will be regularly monitored by the Personnel Officer to ensure that it is achieving its aims and that managers and employees are confident about its application.

Procedure for Dealing with Bullying and Harassment

Advice

The College recognises the sensitive nature of bullying and harassment. Employees who believe they are being bullied or harassed may wish to discuss their particular situation before deciding what action to take. The College operates an open-door policy to discuss workplace problems and employees can fully discuss the matter with their manager on an informal basis. However, the College recognises that this may not always be appropriate in the circumstances. If this is the case, employees can discuss the situation with the next higher level of management or with the Personnel Officer.

Anyone giving advice will:

- ensure the conversation remains confidential as far as possible
- listen sympathetically
- help individuals consider objectively what has happened
- discuss what outcome the individual would wish to see
- draw attention to available procedures and options
- inform the individual of the legal liabilities involved
- help weigh up the alternatives, but without pressure to adopt any particular course
- assist the individual in dealing with the situation (if the individual asks for help)

Confidentiality will be maintained as far as possible. However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious, the College reserves the right to investigate the situation as it has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/bully's behaviour.

Solutions

Just as it is for the employee to decide what behaviour is either acceptable or unacceptable, then it is also for the employee to decide which route to take in solving any problem that has occurred. There are two types of solutions available: informal and formal.

Informal solution

Employees can choose to solve the matter themselves by simply approaching the harasser/bully, telling the harasser/bully that their behaviour is unwelcome and that it must stop, otherwise a formal complaint will be made.

If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a colleague who can accompany the victim when speaking to the harasser/bully.

A third option is that the victim can put their views in writing to the harasser/bully, telling them that their behaviour is unacceptable and that it must stop.

Formal solutions

Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint in the form of a grievance, with the procedure adapted to take account of the sensitivities of such situations.

Each step and action under the formal grievance procedure will be taken without unreasonable delay. Complaints will be investigated swiftly and confidentially whilst ensuring that the rights of both the alleged victim and the alleged harasser are protected.

Employees and witnesses can be assured that they will not be ridiculed or victimised for making, or assisting in making a complaint, even if it is not upheld, as long as it is made in good faith.

Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality - a failure to do so will be a disciplinary matter.

The procedure is as follows.

Lodging a grievance and grievance meeting

The complaint should be put in writing, outlining the alleged incidents - when they occurred, the harm caused, the names of any witnesses and the name of the alleged harasser or bully. If the victim would find it distressing to set out their complaint in writing then they should contact Personnel Officer who will provide assistance.

The written grievance should initially be lodged with the employee's manager. However, if this would not be appropriate in the circumstances, it should be lodged with Personnel Officer. The complaint will then be passed to a designated manager who will be responsible for progressing the complaint.

The designated Manager will arrange for a formal meeting to be held without unreasonable delay after the grievance is received.

The designated Manager and the Personnel Officer should attend all meetings. The Personnel Officer will attend in an advisory capacity.

The employee has the right to be accompanied by a colleague at the meeting.

At the meeting employees should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

Conducting an investigation

When appropriate, an independent investigator will be appointed by the designated manager who has had no previous involvement with the situation and who will conduct investigatory interviews with the complainant, the employee against whom the complaint has been lodged, and any relevant witnesses. The right to accompaniment will be provided to all those interviewed. The investigator will submit a full report to the designated manager.

Right to be accompanied

Employees have a right to be accompanied by a companion at a grievance meeting. The chosen companion may be a fellow worker, a trade union representative or an official employed by a trade union. A trade union

representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

Reasonable time must be allowed for the employee's chosen companion to be present at the meeting. Meetings may be postponed for up to 5 working days to accommodate the attendance of the employee's chosen companion, after which time the employee must select an alternative person to accompany them at the meeting.

It would not normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the meeting nor would it be reasonable for an employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The companion should be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee any views expressed at the meeting and confer with the employee during the meeting. The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the College from explaining its case.

Appropriate action

Following the meeting the designated manager advised by the Personnel Officer will decide on what action, if any, to take. All decisions should be communicated to the employee, in writing, without unreasonable delay and, where appropriate, should set out what action the College intends to take to resolve the grievance. The details of the grievance and the actions to be taken will be fully documented and copies placed in the employee's personal file.

The employee should be informed that they can appeal to the next stage if they are not content with the action taken.

If the decision is taken to instigate a disciplinary investigation as a result of the grievance procedure findings then the matter must be passed to another line manager who has had not had involvement in the grievance process

Appeal

Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. They should confirm the grounds for their appeal in writing within 10 working days of the decision.

Appeals should be heard without unreasonable delay and at a time and place, which should be notified to the employee in advance.

The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case advised by the Personnel Manager.

Employees have a right to be accompanied at the appeal hearing.

The outcome of the appeal should be communicated to the employee in writing without unreasonable delay.

The details of the decision and the actions to be taken will be fully documented and copies placed in the employee's personal file.

Continuing to Work Together

Whether a complaint is upheld or not, the College recognises that it may be difficult for the employees concerned to continue to work in close proximity to one another during the investigation or following the outcome of the proceedings. If this is the case the College will consider a voluntary request from either party to transfer to another job or work location. However, a transfer cannot always be guaranteed.

Training and counselling

Training and/or counselling will be offered to the complainant and/or to the (alleged) harasser, even if the complaint has not been upheld. This will be provided by a trained member of staff or by an external provider, as appropriate.

Monitoring

Where harassment or bullying has been found to have occurred, and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. The College will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way.

Malicious Complaints

Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to the College's disciplinary procedure, as will any witnesses who have deliberately misled the College during its investigations.

Dealing with Harassment by a Third Party

An employee who is bullied or harassed by a third party is not expected to enter into any confrontation with the third party that may put his or her personal safety at risk.

An employee who is subjected to bullying or harassment by a third party and has been trained on how to deal with such bullying or harassment may resolve the matter themselves or immediately report it to his or her line manager.

An employee should take the following steps if he or she chooses to resolve the matter by his or herself.

1. Politely ask the third party to stop the bullying or harassment and inform them that bullying or harassment of the company's workers by a third party will not be tolerated
2. If the third party does not stop the bullying or harassment - repeat step 1 and warn them that action will be taken against them if the bullying or harassment continues
3. If the third party does not stop the bullying or harassment - immediately report the incident to their line manager

The complaint will be investigated immediately and in some cases the bully or harasser may be asked to leave the employer's premises and not return.

An employee should also report an incident of bullying or harassment by a third party to their line manager which they have already managed to resolve.