



INVESTOR IN PEOPLE

# **HARASSMENT & BULLYING POLICY AND PROCEDURES**

**JUNE 2001 Revised April 2002**

## **CONTENTS PAGE**

<b>TITLE</b>	<b>SECTION</b>
RA Harassment & Bullying Policy	One
Examples and background information on Harassment & Bullying	Annex 1
Complaints Procedure (flow charts)	Annex 2
Contact List	Annex 3

## **HARASSMENT AND BULLYING POLICY**

### **OUR POLICY**

1. The Agency's Equal Opportunities and Diversity policy clearly states 'we must ensure that the workplace is free from abuse, offensive behaviour, harassment, bullying, prejudice, discrimination and victimisation'.
2. Everyone should be treated with dignity and respect at work. Harassment and bullying of any kind are in no-one's interest and should not be tolerated in the workplace, but if you are being bullied or harassed it can be difficult to know what to do about it. A guiding principle should be that the person concerned must be told that they are causing offence. This policy document sets out how to deal with situations and the role of line managers and others who are in a position to help.

### **AIM OF THE HARASSMENT AND BULLYING POLICY**

3. The Agency and its recognised Trade Unions are committed to creating and maintaining an environment free of harassment, bullying and victimisation.
4. The Agency will not tolerate any form of harassment or bullying, whether based on race, sex, disability, sexual orientation, religion, age, nationality, ethnic origin, marital status, working patterns, or any other personal characteristic. Similarly, the Agency will not accept any conduct that is offensive, humiliating, embarrassing or intimidating to other members of staff or to people with whom contact is made in the course of official duty. Where complaints are upheld, appropriate disciplinary action will be taken.
5. This policy applies to all employees within the Agency. Every individual is personally responsible for their own behaviour and additionally management has a responsibility to try and provide a workplace atmosphere that is conducive to the avoidance of bullying and harassment.
6. The attached guidance notes are designed to explain the procedures for making a complaint of harassment, bullying and victimisation and identify who can help you deal with the issue. They are also intended to make you think about, and examine carefully, your own behaviour with colleagues as, sometimes unintentionally, this can fall into the category of abuse, discrimination, harassment or bullying.
7. This policy gives details of how to complain and what to do if a complaint is brought against you and where you can get help. It also explains your and your line manager's responsibilities.
8. Workplace harassment and bullying can make life unbearable. Our aim is to prevent harassment, bullying and victimisation from occurring. Where it does occur, to ensure that appropriate and effective action is taken to deal with it and prevent it happening again.
9. The specific objectives of this policy are to ensure that: -
  - all employees are aware of the types of behaviour which represent either harassment or bullying and their responsibilities for preventing such behaviour;

- all employees understand that harassment, bullying and victimisation are unacceptable and that disciplinary action will be taken against proven offenders;
- all allegations of harassment, bullying and victimisation are responded to positively;
- procedures are in place so that complaints can be investigated in a way which recognises the sensitivity of the issues and rights of all the parties involved; and
- an environment is created which allows staff to bring forward their complaints without fear of victimisation, recrimination or reprisal.

## WHAT IS HARASSMENT?

10. Harassment is unwanted contact or conduct e.g. of a sexual, intimidating, upsetting, embarrassing, humiliating nature, which affects the dignity of men and women in the workplace. It may be related to age, race, disability, religion, nationality, gender, sexual orientation or any personal characteristic of the individual, and may be persistent or an isolated incident which is offensive to the recipient. Harassment can be physical, written or verbal. See Annex 1 for examples of conduct or behaviour that may constitute harassment.
11. Harassment can also have a specific meaning under certain laws. For instance if harassment is related to sex, race or disability, it may be unlawful discrimination.
12. It is important to remember that it is not the intention of the perpetrator that is key in deciding whether harassment has occurred, but whether the actions or comments are viewed as offensive and unacceptable to the recipient. It is also important to note that the perpetrator should be made aware of the unacceptable behaviour, as this may well stop the situation continuing and would be the quickest and most effective way of dealing with the issue. Paragraph 31 - 'What to do if you are being harassed or bullied' provides advice on how to do this.

## WHAT IS BULLYING?

13. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient and or their colleague(s).
14. The power used may be:
  - physical;
  - that granted by a position of authority;
  - rudeness; or
  - purely intellectual.
15. Bullying can be obvious or it may be subtle. It may be carried out by one individual against another individual or involve groups of people. Whatever form bullying takes, it is unwarranted and unwelcome to the recipient and or their colleague(s). Annex 1 lists examples of conduct or behaviour that may constitute bullying. It is also important to note that the perpetrator should be made aware of the unacceptable behaviour. Paragraph 31 – 'What to do if you are being harassed or bullied' provides advice on how to do this.

## WHAT BULLYING IS NOT

16. A 'strong management' style such as, insisting on high standards in quality of service and behaviour is acceptable, providing that employees are treated with respect and dignity. However, it is unacceptable to condone bullying under the guise of 'strong management'.
17. Legitimate, constructive, objective and fair comments of an employee's performance or behaviour at work would not be deemed as bullying as long as the individual is treated with respect and dignity.
18. An occasional raised voice or argument would also not be seen as bullying.

## WHAT IS VICTIMISATION?

19. Victimisation is a further form of harassment and occurs when one person is treated less favourably than another is because they are suspected or known to have complained, or may have given evidence about behaviour, which has resulted in an allegation of harassment or bullying. This would apply irrespective of the outcome of the investigation.
20. Victimisation like harassment and bullying is unacceptable and could lead to disciplinary action being taken.
21. Staff who believe that they are being harassed or bullied; or who witness such incidents, should feel free to report such incidents in good faith, without fear of victimisation.

## THE LAW

22. The Agency is responsible for preventing harassment and bullying behaviour. It is in the Agency's interests to make it clear to everyone that such behaviour will not be tolerated.
23. Harassment and bullying at work can involve conduct that is unlawful under either common law or statute. In these circumstances the Agency and/or the individual who harasses or bullies may have a legal liability under the following:
  - Sex Discrimination Act 1975
  - Race Relations Act 1976
  - Disability Discrimination Act 1995
  - Health and Safety at Work Act 1974
  - Employment Rights Act 1996
  - Criminal Justice and Public Order Act 1994
  - Protection from Harassment Act 1997
  - Human Rights Act 1998
  - Trade Union and Labour Relations (Consolidation) Act 1992
  - Public Interest Disclosure Act 1998 ("the whistle blowers act")
  - Fair Employment (Northern Ireland) Acts 1976 and 1989
24. Harassment or bullying which relates to gender, race or disability is considered to be discrimination under the Sex Discrimination, Race Relations and Disability Discrimination Acts. People are also protected against victimisation if they have

alleged that someone has infringed the Acts and they act as witnesses. For more information on the Acts refer to Annex 1.

## WHAT ARE YOUR RIGHTS?

25. You have the right:

- not to be harassed, bullied, or discriminated against; nor to be victimised for making a complaint or for assisting an investigation;
- to have any complaint you make treated seriously and investigated sensitively, promptly and thoroughly;
- not to be prejudiced either as an alleged offender or as a complainant;
- to raise the issue with your line manager in the first instance if appropriate to do so;
- to consult with your Staff Counsellor and Harassment & Bullying Contact Officer both as a complainant and as an alleged offender;
- to union representation both as a complainant and as an alleged offender; and
- to expect the same standards of conduct and behaviour from consultants, contractors and suppliers of service as expected from RA's own employees.

## WHAT ARE YOUR RESPONSIBILITIES?

26. **As a member of staff** in the Agency you have a personal responsibility for ensuring that your own conduct does not cause offence and that you do not harass, bully, or discriminate against colleagues.

27. For example you should:

- not make assumptions about an ability to communicate based on reactions to foreign or regional accents;
- take care to avoid preconceptions about the ability of certain groups to supervise;
- not to make assumptions about the reactions of other staff in the posting or promotion of certain groups of staff;
- bring any observed harassment or bullying of another colleague to the attention of a manager, if you are unable to deal with the incident yourself;
- participate as a witness in any investigation where you are called to interview by the investigator(s); and
- not make any derogatory comments.

28. This policy relates to you both as **a member of staff and as a Manager**. You have a personal responsibility for your own behaviour and conduct towards other staff. Annex 1 lists further examples of the types of behaviour, which could constitute harassment.

29. **As a Manager** in the Agency, you are responsible for maintaining a working environment that is free from harassment, bullying and victimisation. You are accountable for ensuring that your staff, do not perpetrate acts of harassment or bullying, and that you take appropriate action in response to evidence or complaints of harassment, bullying or victimisation.
30. Managers have a particular responsibility to identify and eliminate harassment/bullying whether:
- in the more obvious forms of physical contact;
  - verbal and written harassment or its more subtle forms, such as abuse of power or position and exclusion from training or promotion opportunities;
  - by electronic mail; and
  - downloading offensive or pornographic material from the Internet and circulating this to staff. Further guidance on this can be found in the 'Internet Access Policy' document, which can be accessed via the Agency Intranet.
  - Managers should be alert to the possibility that problems may be developing (e.g. changes in behaviour such as individuals becoming more withdrawn) even though no complaint has been made.
  - It is important that you deal with any complaint seriously, sensitively, promptly and thoroughly. You must treat all complaints in good faith and ensure that the complainant(s) and the alleged offender(s) are not victimised. The Equal Opportunities & Diversity Team can offer assistance on how to do this. Annex 2 also provides guidance on how this can be done.

### WHAT TO DO IF YOU ARE BEING HARASSED OR BULLIED

31. If you believe that you have been or are being harassed or bullied you will want it to stop. There are a number of actions that you may wish to follow:

❖	<b>Tell the person(s) causing offence to stop.</b> This may be easier said than done. If you feel comfortable to do so, raise the issue informally at the earliest possible stage. In some cases the person(s) may not be aware of the effect that their behaviour is having. See Annex 2 , Stage 1:Informal discussions.
❖	<ul style="list-style-type: none"> <li>• <b>Discuss the problem with someone.</b> It is sometimes difficult to deal with situations on your own, If this is the case you can contact:</li> <li>• your line manager or a manager not involved in the case</li> <li>• a Harassment &amp; Bullying Contact Officer</li> <li>• your TU representative</li> <li>• an Agency Staff Counsellor</li> <li>• an Equal Opportunities Officer</li> <li>• your Personnel Manager See Annex 2, Stage 1:Informal discussions.</li> </ul>
❖	<b>Keep a diary.</b> Record details of all incidents, times, dates, any witnesses, and your feelings and keep copies of anything relevant e.g. annual reports, letters, notes and memos. Ask colleagues to do the same if you are part of a group being harassed or bullied. This will help when you are informing the alleged offender that the behaviour is offensive to you. It will also help if you proceed with making a formal complaint.

❖	<ul style="list-style-type: none"> <li>• <b>Make a formal complaint.</b> If you are unable to resolve the situation informally then you should arrange to meet the Agency Discipline Officer (ADO). This will enable the ADO supported by the Agency Discipline Investigation Officers (ADIOs) to set up an investigation into the allegations so that appropriate action can be taken. See Annex 2, Stage 2: Making a complaint.</li> </ul>
❖	<ul style="list-style-type: none"> <li>• <b>Complain to an Employment Tribunal.</b> This will need to be done within 3 months of the incident occurring. The Employment Tribunal Chairman will have expected you to have followed the internal Agency procedures first. This document is our indication to the Agency's commitment in ensuring that the internal procedures are effective.</li> </ul>

## IF YOU ARE BEING ACCUSED OF HARASSMENT OR BULLYING

32. If you have been accused of harassment or bullying you will want to know what actions you can and can not take. See table below for these.

❖	<ul style="list-style-type: none"> <li>• <b>Right to be informed of an allegation.</b> You have the right to be informed of an allegation prior to a formal complaint being made and of any subsequent formal complaints.</li> </ul>
❖	<ul style="list-style-type: none"> <li>• <b>Discuss the problem with someone.</b> It is sometimes difficult to deal with situation on your own and therefore it would be advisable that you discuss the problem with any of the people listed below: <ul style="list-style-type: none"> <li>• your line manager or a manager not involved in the case</li> <li>• a Harassment &amp; Bullying Contact Officer</li> <li>• your TU representative</li> <li>• an Agency Staff Counsellor</li> <li>• an Equal Opportunities Officer</li> <li>• your Personnel Manager See Annex 2, Stage 1: Informal discussions.</li> </ul> </li> </ul>
❖	<ul style="list-style-type: none"> <li>• <b>Right to a full investigation.</b> Once a formal complaint has been made you have the right to a full investigation that is conducted fairly, sensitively, promptly and thoroughly.</li> </ul>
❖	<ul style="list-style-type: none"> <li>• <b>Right to be accompanied throughout the process.</b> Once a formal complaint has been made you have the right to ask someone to accompany you throughout the whole process. You can ask a colleague or your TU Representative to do this.</li> </ul>

## WHERE TO GET HELP

33. You can speak to the following people for advice and information. If the allegation being made is about sexual harassment, racial harassment or disability harassment the person you are talking to, will be obliged to report the conduct/incident. This is because all of these are a potential breach of one of the following pieces of legislation: Equal Opportunities, Criminal, Race Relations, Sex Discrimination and Disability Discrimination.

## **Your Line Manager**

34. Your line manager is there to help you to deal with issues that concern you and should ideally be your first point of contact. If you are able to discuss these matters with your line manager and they are able to resolve them this could stop the situation continuing and would be the quickest and most effective way of dealing with the issue.

## **Harassment & Bullying Contact Officers (HBCO)**

35. These are members of staff who have volunteered and been selected to train to perform the duties of a HBCO throughout the Agency, with grades, gender, etc. to reflect the pattern across the Agency.
36. Their role is to advise and support those who feel harassed, bullied or victimised and give advice to line managers on how to address the problem in their workplace. They can assist you in approaching an alleged harasser or bully and in reporting the matter where appropriate to your line manager. The HBCOs cannot investigate a complaint and will not make decisions on your behalf.
37. The HBCO's names and phone numbers can be found on the contact list (Annex 3).

## **Agency Equal Opportunities Officer (AEEO) & Deputy Equal Opportunities & Diversity Officer (DEODO)**

38. The AEEO and DEODO not only have responsibility for issues relating to equal opportunities but also act as the Agency Discipline Officer (ADO) and Agency Discipline Investigation Officer (ADIO).
39. They will advise staff and line managers on rights and procedures, whether as the complainant or the alleged offender. They also monitor complaints and their outcomes, including follow-up action to confirm that the breach of conduct has ceased.
40. They also ensure that the Harassment & Bullying Contact Officers are fully trained and understand their role in the Agency.

## **Trade Union Representatives**

41. Trade Unions offer the support of trained representatives with experience of dealing with harassment & bullying cases. They can offer practical advice and, help you prepare your case and represent you whether you are the complainant or alleged offender. Trade Union Representative's names and phone numbers can be found on the contact list (Annex 3).

## **Staff Counsellors**

42. The Agency staff counsellors (names and addresses can be found on the contact list – Annex 3) are available to provide counselling advice and support to all staff whether you are complainant or alleged offender. Anyone who feels that they have been harassed, bullied, victimised or discriminated against, can approach their staff counsellor who will help them to talk through the emotional issues before deciding what action to take. Where necessary, ongoing support can be provided.

## **MALICIOUS COMPLAINTS**

43. The Agency makes every effort to provide a working environment free from harassment, bullying and victimisation.
44. No one should feel discouraged from raising a complaint under these procedures. It is made clear in the procedure for handling complaints that if after investigation, the complaint is found to be unfounded this will not be held against the complainant so long as the complaint was made in good faith.
45. However, the making of malicious complaints against others is unacceptable, as is the threat to another member of staff of making an unfounded complaint of harassment, bullying and victimisation. Such action could be counted as harassment and will be the subject of disciplinary proceedings.

### EXAMPLES AND BACKGROUND INFORMATION ON HARASSMENT & BULLYING

1. The following guidance notes provide examples and some background information on harassment and bullying.

#### **Examples of harassment**

- Conduct or behaviour that can constitute harassment includes:
- Comments or remarks which are insulting, humiliating, intimidating, ridicule, innuendo, patronising and spreading malicious gossip
- Physical contact ranging from casual touching to assault;
- Unwelcome sexual advances
- Display or circulation of racially offensive or sexually suggestive posters, photographs or other material that may cause offence
- Pressure to participate in political or religious groups/activities
- Deliberate exclusion from work related social activities
- Making threats or comments about job security without foundation
- Unconscious discrimination (e.g. teasing or jokes which cause offence to an individual unknowingly)
- Unwanted comments on appearance

2. This is not an exhaustive list. It is possible for people to abuse their power over others in all sorts of ways.

#### **Examples of bullying**

3. Below is a list of some examples of bullying, however it is important to remember that the context and situation in each case will need to be considered before it is deemed to be bullying. This could be particularly relevant in the areas of the less obvious bullying.
  - Shouting at staff, in public or private
  - Personal insults and name calling
  - Sudden rages, often for trivial reasons
  - Persistent negative criticisms

- Humiliating someone in front of others
- Picking on an individual for criticisms when there is a common problem
- Making false allegations
- Spreading malicious rumours
- Sending abusive correspondence
- Freezing out, ignoring, excluding and deliberately talking to third parties to isolate another
- Persecution through threats and fear, physical attacks

## **EFFECTS OF HARASSMENT & BULLYING**

### **For the Agency**

- The damage, tension and conflict which harassment & bullying creates should not be underestimated. The result is not just poor morale but higher staff turnover, reduced productivity, lower efficiency and divided teams.
- Can lead to a poor organisation image.
- Can lead to claims for constructive dismissal.

### **For the Employee**

- Become subject to fear, stress, anxiety and depression, which can put great strains on work, personal and family life.
- A loss of confidence and self-esteem which can lead to absenteeism, an apparent lack of commitment, poor performance and resignation.
- Become very vulnerable and reluctant to complain. They may feel embarrassed and that the complaint will be trivialised. This often leads them to suffer harassment and bullying in silence and just hope that it will end.

## **THE LAW**

4. The Agency is responsible for preventing bullying and harassing behaviour. It is the Agency's interests to make it clear to everyone that such behaviour will not be tolerated.
5. Under the Health and Safety at Work Act 1974 your employer has a legal responsibility to ensure that your health, safety and welfare at work are protected. There is a right to mutual trust and confidence between employer and employee; and if bullying or harassing behaviour are allowed to go unchecked, that could mean that such trust and confidence is lost. Employers are usually liable in law for the acts of their workers, and this includes bullying or harassing behaviour.

6. Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995 make unlawful any bullying or harassment that includes elements of discrimination, for instance sexual harassment or gender related bullying behaviour.
7. Certain types of harassment, such as stalking, are covered in criminal law by the Protection from Harassment Act 1997, and the Criminal Justice and Public Order Act 1994.
8. The Employment Rights Act 1996 gives protection to all employees with qualifying service by allowing them to claim 'unfair constructive dismissal' if they are forced to leave their job because of actions of their employer. Such actions might include failure by the employer to deal with any complaint of bullying or harassment, or failure to protect their employees from bullying or harassing behaviour.
9. The Human Rights Act 1998, which was implemented in October 2000, introduces into English Law the rights and freedoms contained in the European Convention on Human Rights, which include the right not to 'be subjected to degrading treatment or punishment' which will obviously have an effect on bullying at work. It is equally valid to recognise that people need to know that they are causing offence.

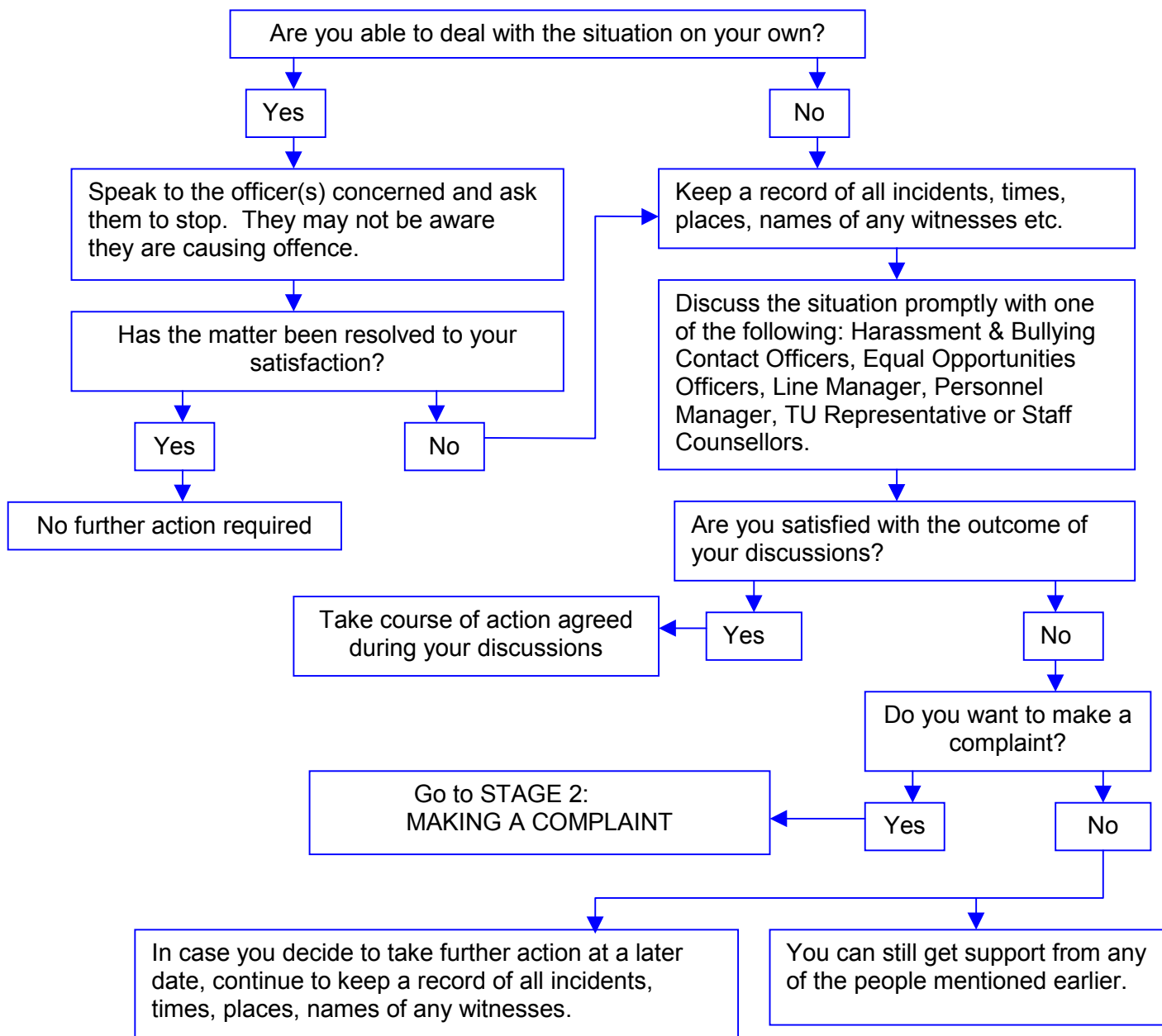
### COMPLAINTS PROCEDURE

1. Should you feel that you have been harassed, bullied or victimised, there are some procedures that you should follow to resolve the matter.
2. If you feel that an incident has occurred where you do not want to take informal or formal action you should start at Stage 1: INFORMAL DISCUSSIONS which will often help resolve the incident without going down the formal route.
3. If however, you consider the situation to be very serious i.e. in the unlikely event that Equal Opportunities or Criminal Legislation has been breached you should proceed directly to STAGE 3: PRELIMINARY ENQUIRIES. In these cases you should speak to your line manager or an Equal Opportunities Officer immediately.
4. Please note that all complaints will be treated in good faith, taken seriously, handled sensitively, promptly and thoroughly. Every effort will be made to ensure that the complainant(s) and the alleged offender(s) are not victimised as a result of a complaint.

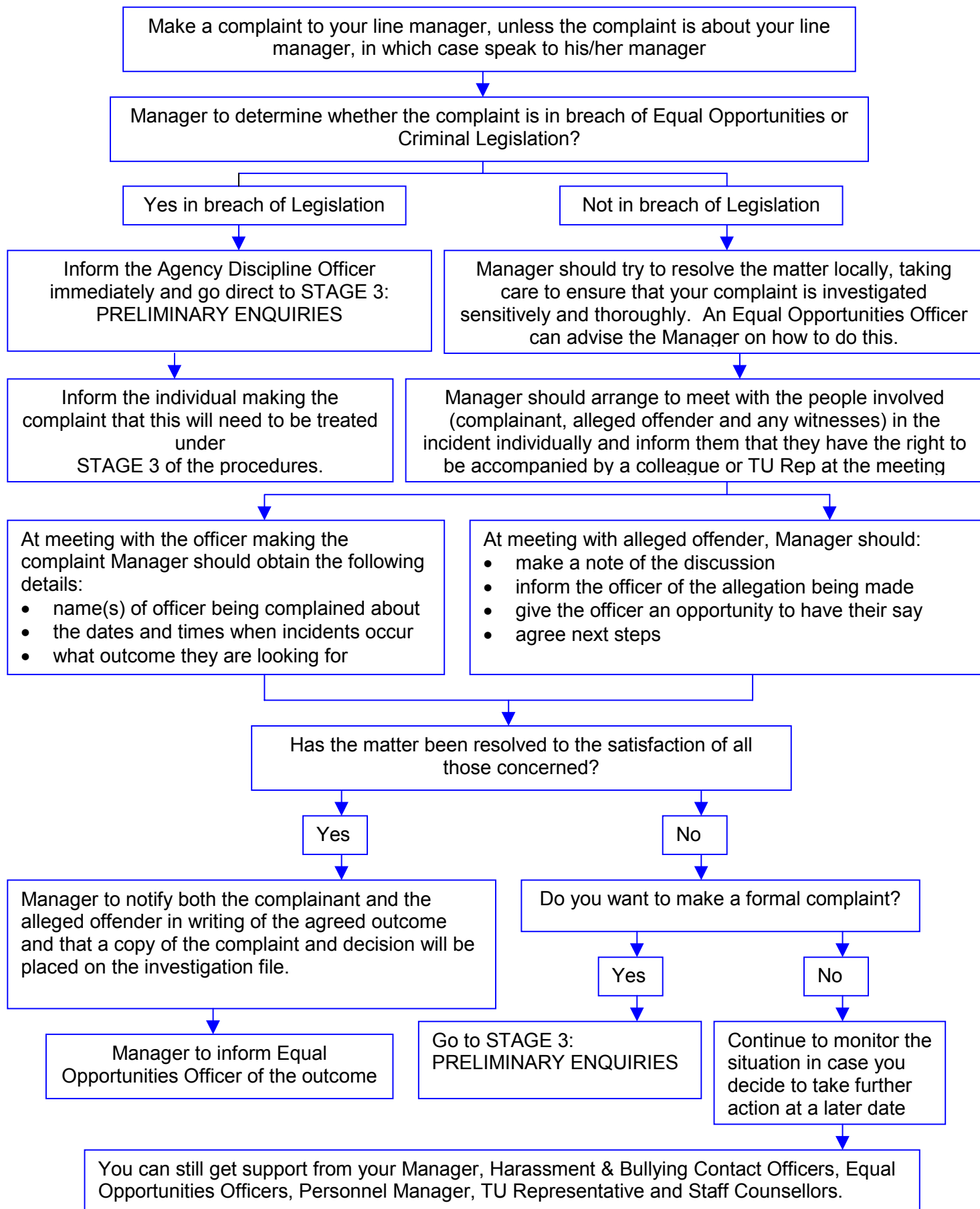
#### Complaints To An Employment Tribunal

5. You should pursue any complaints through the Agency's internal procedure first, however if you wish to take a complaint to an Employment Tribunal you can do so at any time without waiting for the outcome of an Agency investigation. Please note that the Employment Tribunal Chairman will have expected you to have followed the Agency internal procedures first.
6. Complaints should be taken to a tribunal within three months of the date on which the incident occurred. You can get further advice from the Agency Equal Opportunities Officer or your Trade Union representative on this.

## STAGE 1: INFORMAL DISCUSSIONS



## STAGE 2: MAKING A COMPLAINT



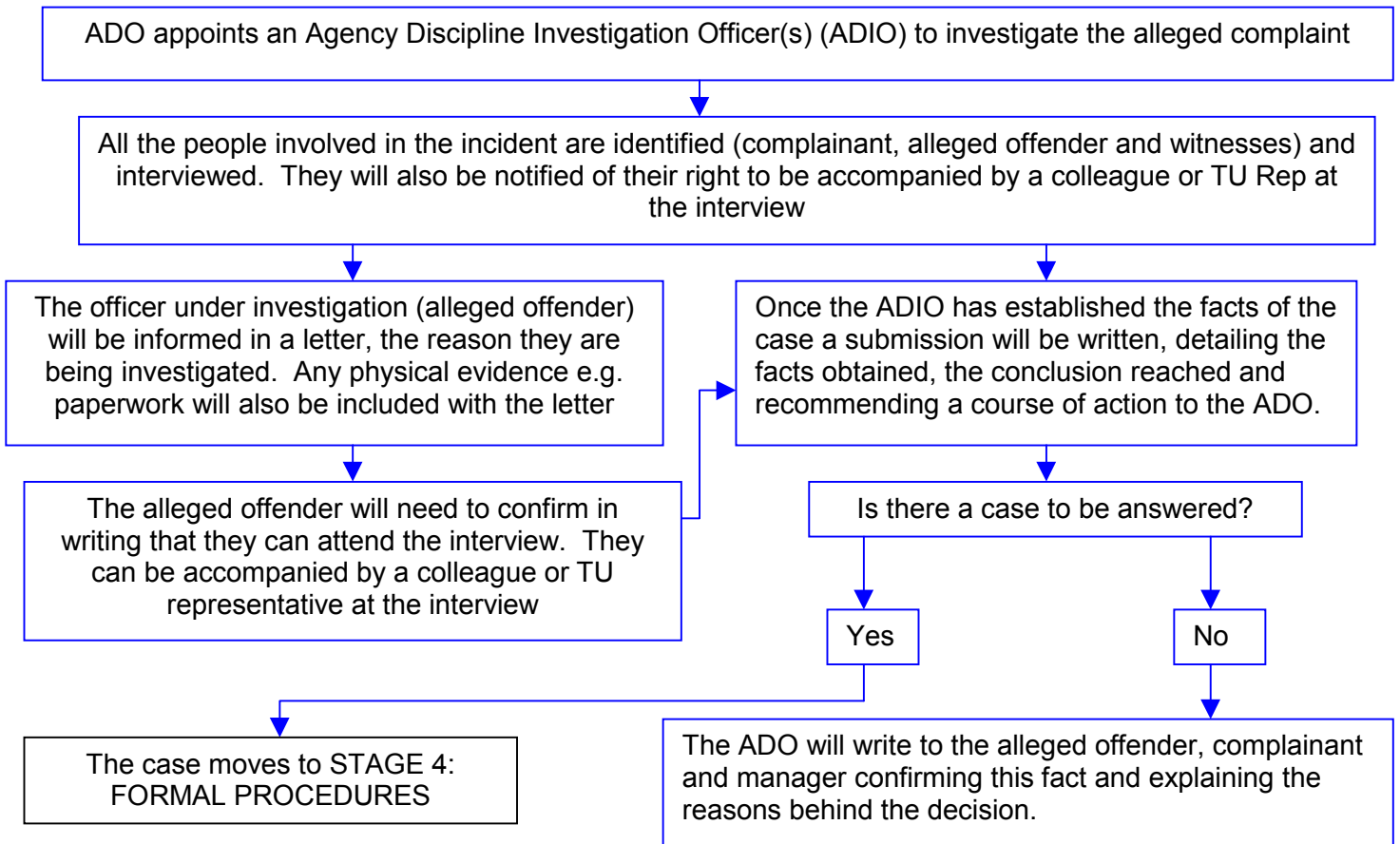
### STAGE 3: PRELIMINARY ENQUIRIES

An incident occurs and following discussion with line manager of officer involved, it is agreed that the Agency Discipline Officer (ADO) should handle the incident.

You are encouraged not to discuss the allegation with other members of the office, so that you are not at risk of being accused of influencing witnesses.

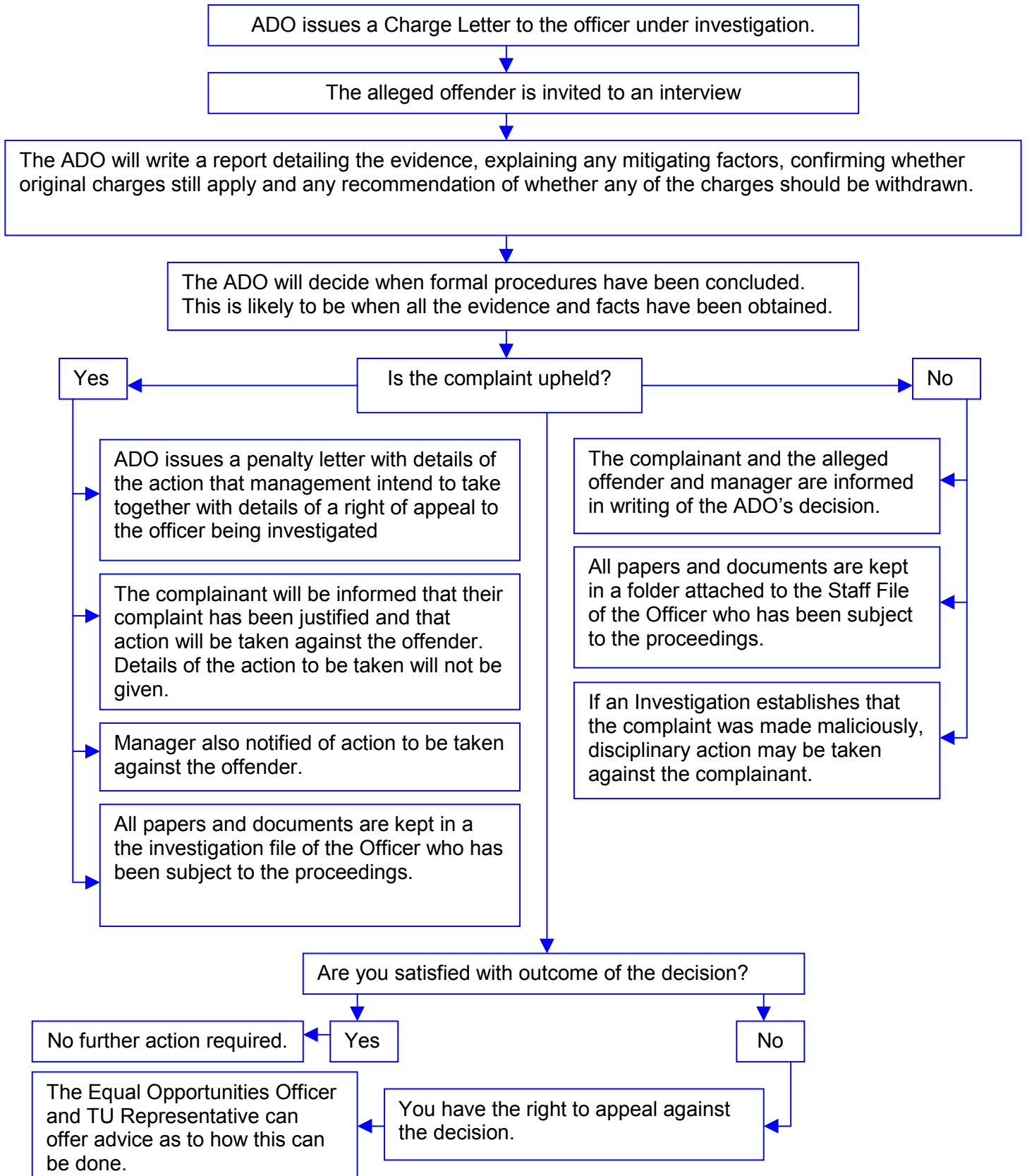
Further guidance on the discipline procedures can be found in the Agency Discipline Procedures & Guidance.

#### **Preliminary Enquiries**



## STAGE 4: FORMAL PROCEDURES

If the preliminary enquiries show that there is a case to be answered then the Agency Discipline Officer (ADO) and the Agency Discipline Investigation Officer (ADIO) will follow these procedures.



## ANNEX 3

### CONTACT LIST

#### **AGENCY EQUAL OPPORTUNITIES OFFICER & AGENCY DISCIPLINE OFFICER**

Alison Korzec	12G/8B	020 7211 0510
---------------	--------	---------------

#### **AGENCY DEPUTY EQUAL OPPORTUNITIES & DIVERSITY OFFICER**

Vicky Stewart	12G/9B	020 7211 0055
---------------	--------	---------------

#### **AGENCY DISCIPLINE INVESTIGATION OFFICERS**

Glenn Hathaway	12R/3A	020 7211 0535
Vicky Stewart	12B/9B	020 7211 0055

#### **AGENCY HARASSMENT & BULLYING CONTACT OFFICERS**

Paul Jarvis	11G/8B	020 7211 0481
Pauline Stratford	12B/20E	020 7211 0645
Pacer Oh	12G/7A	020 7211 0621
Judith Osbourne	12R/3D	020 7211 0526
Jacqueline Smith	12R/3B	020 7211 0519
Steve Morton	RTCG-Whyteleafe	020 8655 8323
John Sullivan	Baldock	01462 428521
Val Collett	Bristol	0117 959 7210
Jim Donaghie	Nottingham	07711 239716 (mobile)

#### **AGENCY TRADE UNION SIDE (ATUS) REPRESENTATIVES**

##### **PCS**

Martin Pike	9R/2B	020 7211 0470
-------------	-------	---------------

##### **IPMS**

Calton Brown	10Y/14F	020 7211 0278
Stan Murphy	10G/13B	020 7211 0315

## **STAFF COUNSELLORS**

**Carole Williams Tel: 020 7273 8521**

Employment Tribunals Service  
19-29 Woburn Place  
London WC1H 0LU

Wyndham House,  
RTCG Whyteleafe,  
Baldock  
Belfast  
Canterbury  
Kenley

**Jane Solman Tel: 02920 380 114**

Companies House  
Room 3.136  
Crown Way  
Cardiff CF4 3UZ

Leeds  
Cardiff  
Falkirk  
Haydock

**Carol Shave Tel: 029 20 380115**

Companies House  
Room 3.136  
Crown Way  
Cardiff CF4 3UZ

Birmingham  
Bristol

## **OTHER USEFUL CONTACTS**

### **Equal Opportunities Commission**

Overseas House  
Quay Street  
Manchester M3 3HN  
Tel: 0161 8333 8924  
Internet address: <http://www.eoc.org.uk>

### **Commission for Racial Equality**

Elliot House  
10-12 Allington Street  
London SW1 5EH  
Tel: 020 7828 7022  
Internet address: <http://www.cre.gov.uk>

### **Disability Rights Commission**

Telephone Helpline 08457 622633  
Textphone: 08457 622644  
Internet address: <http://www.drc-gb.org>

222 Grays Inn Road,  
London WC1X8HL

1<sup>st</sup> Floor,  
Riverside House,  
Gorgie Road, Edinburgh EH11 3AF