

Document title: Anti-harassment and bullying policy (short form).

DATED

ANTI-HARASSMENT AND BULLYING POLICY

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1. About this policy

- 1.1 [EMPLOYER] is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.
- 1.2 This policy covers harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions. It covers bullying and harassment by staff (which may include consultants, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to our premises. [We have a separate policy dealing with sexual harassment.]
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 1.4 This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns.

2. What is harassment?

- 2.1 Harassment is any unwanted physical, verbal or non-verbal 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. A single incident can amount to harassment.
- 2.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 2.3 Unlawful harassment [may involve conduct of a sexual nature (sexual harassment), or it] may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. [Sexual harassment is dealt with under our separate policy.] Harassment is unacceptable even if it does not fall within any of these categories.
- 2.4 Harassment may include, for example:
 - (a) offensive emails, text messages or social media content;
 - (b) derogatory or stereotypical remarks about a particular ethnic or religious group, religion or belief, or gender;

- (c) mocking, mimicking or belittling a person's disability;
 - (d) [unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing; or]
 - (e) [unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless).]
- 2.5 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.
- 2.6 Victimization includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:
 - (a) Bringing proceedings under the Equality Act 2010.
 - (b) Giving evidence or information in connection with proceedings under the Equality Act 2010.
 - (c) Doing any other thing for the purposes of or in connection with the Equality Act 2010.
 - (d) Alleging that a person has contravened the Equality Act 2010.
- 2.7 Victimization may include, for example:
 - (a) Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment.
 - (b) Excluding someone because they have raised a grievance about harassment.
 - (c) Failing to promote someone because they accompanied another staff member to a grievance meeting.
 - (d) Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.
- 2.8 Harassment and victimization are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal.
- 2.9 Third-party harassment occurs where a person is harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, colour or sexual orientation by a client, customer or supplier visiting the employer's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.

3. What is bullying?

- 3.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.
- 3.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, for example:
- (a) physical or psychological threats;
 - (b) overbearing and intimidating levels of supervision; or
 - (c) inappropriate derogatory remarks about someone's performance.
- 3.3 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

4. If you are being harassed or bullied

- 4.1 If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to [your line manager **OR** the Human Resources Department], who can provide confidential advice and assistance in resolving the issue formally or informally.
- 4.2 If informal steps are not appropriate, or have not been successful, you should raise the matter formally under our Grievance Procedure.
- 4.3 We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.
- 4.4 Once the investigation is complete, we will inform you of our decision. If we consider you have been harassed or bullied by an employee the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. The outcome of our investigation may be put on hold while disciplinary action is taken. If the harasser or bully is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your

complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

5. Protection and support for those involved

- 5.1 Staff who make complaints, report that they have witnessed wrongdoing, or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

6. Record-keeping

- 6.1 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. [These will be processed in accordance with our [Data Protection Policy].]