

# BULLYING AND HARASSMENT POLICY (BDA)

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All members of staff are entitled to be treated with dignity and respect in their place of work. This means freedom from behaviour by colleagues that can be interpreted as bullying or harassment or that causes offense, and access to redress if such behaviour does arise. It also means standards of everyday behaviour that contribute to a working environment in which mutual respect and individual dignity are maintained.

## **A) BULLYING AND HARASSMENT**

Behaviour can constitute bullying or harassment where: it violates the dignity of a member of staff on the grounds of their age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation (the protected characteristics); or where it creates an intimidating, hostile and degrading, humiliating or offensive environment. Individual or accumulative acts can seriously undermine the dignity, confidence, and work satisfaction to such an extent that it has an effect on job performance, and general happiness both inside and outside work.

Conduct becomes harassment if it persists and it has been made clear that it is regarded as offensive by the recipient or a witness to the conduct, although a single offensive act can amount to harassment if it is sufficiently serious.

Bullying and harassment can be further defined in the following ways:

## **B) HARASSMENT BASED ON RACE, COLOUR OR ETHNIC ORIGIN**

Harassment based on race, colour or ethnic origin is conduct at work directed towards a colleague by another colleague or group of colleagues which is racist in nature, and which is regarded as unwelcome or offensive by the recipient or a witness.

The following are examples that illustrate such conduct, though this is not an exhaustive list:

- Jokes about race, colour or ethnic origin
  - Use of offensive names.
  - References to colleagues by offensive racist descriptions.
  - Use of offensive or insensitive stereotypes.
  - Verbal abuse based on race, colour or ethnic origin.
  - Circulation, or display, of offensive material based on race, colour or ethnic origin.
  - Detrimental behaviour because of a colleague's race, colour or ethnic origin.
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### **C) HARASSMENT BASED ON PREGNANCY OR MATERNITY**

Harassment based on pregnancy or maternity is conduct at work directed towards a colleague by another colleague or group of colleagues which is based on the pregnancy or maternity of the colleague, and which is regarded as unwelcome or offensive by the recipient or a witness.

The following are examples that illustrate such conduct, though this is not an exhaustive list:

- Jokes about pregnancy or maternity.
- Use of offensive names.
- Use of offensive or insensitive stereotypes.
- Verbal abuse based on pregnancy or maternity.
- Circulation, or display, of offensive material based on pregnancy or maternity.
- Detrimental behaviour because of a colleague's pregnancy or maternity.

### **D) SEXUAL HARASSMENT**

Sexual harassment is conduct directed towards a colleague by another colleague or group of colleagues which is of a sexual nature, or which is based on a colleague's gender, and which is regarded as unwelcome or offensive to the recipient or a witness.

The following are examples which illustrate such conduct, though this is not an exhaustive list:

- Unwanted physical contact.
- Contact which is intimidating, or physically or verbally abusive.
- Jokes that are based on sexual or gender issues.
- Non-verbal conduct, such as staring or gestures.
- Suggestions that sexual favours may further a person's career, or that refusal may hinder it.
- Sexual advances, propositions, suggestions or pressure for sexual activity at or outside work.

### **E) HARASSMENT BASED ON DISABILITY**

Harassment based on disability is conduct directed towards a colleague by another colleague or group of colleagues which is based on the colleague's disability or association with someone who has a disability and which is unwelcome to the recipient or a witness.

The following are examples which illustrate such behaviour, though this is not an exhaustive list:

- Jokes about disability.
  - Use of offensive names.
  - Use of offensive or insensitive stereotypes.
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- Verbal abuse based on disability.
  - Circulation, or display, of offensive material based on disability.
  - Deliberate actions designed to hinder a colleague's ability to undertake his/her duties because of their disability.
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***F) HARASSMENT BASED ON SEXUAL ORIENTATION OR GENDER REASSIGNMENT***

Harassment based on sexual orientation or gender reassignment is conduct directed towards a colleague by another colleague or group of colleagues which is based on the sexuality of the colleague and which is unwelcome by the recipient or a witness.

The following are examples which illustrate such behaviour, though this is not an exhaustive list:

- Jokes about sexuality or gender reassignment.
- Use of offensive names.
- Use of offensive or insensitive stereotypes.
- Verbal abuse based on sexuality or gender reassignment.
- Circulation, or display, of offensive material based on sexuality or gender reassignment.

***G) HARASSMENT BASED ON MARRIAGE OR CIVIL PARTNERSHIP***

Harassment based on marriage or civil partnership is conduct directed towards a colleague by another colleague or group of colleagues which is based on the marriage or civil partnership of the colleague and which is unwelcome by the recipient or a witness.

The following are examples which illustrate such behaviour, though this is not an exhaustive list:

- Jokes about marriage or civil partnership.
- Use of offensive names.
- Use of offensive or insensitive stereotypes.
- Verbal abuse based on marriage or civil partnership.
- Circulation, or display, of offensive material based on marriage or civil partnership.

***H) HARASSMENT BASED ON RELIGION OR BELIEF***

Harassment based on religion or belief is conduct directed towards a colleague by another colleague or group of colleagues which is based on the religion or belief of the colleague and which is unwelcome by the recipient or a witness.

The following are examples which illustrate such behaviour, though this is not an exhaustive list:

- Jokes about religions or beliefs.
  - Use of offensive names.
  - Use of offensive or insensitive stereotypes.
  - Verbal abuse based on religion or belief.
  - Circulation, or display, of offensive material based on religion or belief.
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### ***I) HARASSMENT BASED ON AGE***

Harassment based on age is conduct directed towards a colleague by another colleague or group of colleagues which is based on the age of the colleague and which is unwelcome by the recipient or a witness.

- Jokes about age.
- Use of offensive names.
- Use of offensive or insensitive stereotypes.
- Verbal abuse based on age.
- Circulation, or display, of offensive material based on age.

### ***J) DETRIMENTAL BEHAVIOUR BECAUSE OF AN ASSOCIATION WITH A PROTECTED CHARACTERISTIC***

Bullying and harassment may not be based on the fact that a colleague belongs to a particular group, but simply because the individual has been singled out for such treatment or associates with someone of a protected characteristic. For example, this would include claiming someone is gay when they are not or making fun of someone who has a disabled relative. The bullying and harassment may take the following forms, though again this is not intended as an exhaustive list:

- Limiting or withdrawing verbal communication.
- Isolating a colleague by unfriendly behaviour.
- Behaviour designed to belittle or produce anxiety in a colleague.
- Unreasonable scrutiny of work.
- Unreasonable criticism of work, and adopting double standards in expectations of work performance.
- Unreasonable denial of leave and/or special leave requests.
- Unreasonable denial of requests for flexible working.
- Work or staff social activities that deliberately exclude a colleague.
- Jokes or inappropriate humour at the expense of a colleague.

### ***K) STANDARDS OF WORK BEHAVIOUR***

- Courtesy towards colleagues.
  - Consideration and understanding of the work demands of colleagues.
  - Maintaining a temperate tone, and temperate language, in all verbal and written communication with colleagues.
  - Avoidance of the use of foul language.
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- Awareness of language and conduct which have the potential to offend a colleague.
  - Obtaining the express or implied permission of a colleague before adopting familiarity in conduct or language.

#### ***L) WHAT TO DO IF YOU OR A COLLEAGUE IS SUBJECT TO BULLYING OR HARASSMENT***

The company is committed to ensuring that there is no harassment or bullying in the workplace. Allegations of harassment will be treated as a disciplinary matter, although every situation will be considered on an individual basis and in accordance with the principles of the grievance and disciplinary procedures, a copy of which is available from [name].

##### ***1. INFORMAL COMPLAINT***

The first step you are encouraged to take is to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. However this person cannot be a Director, who will be responsible for investigating the matter if it becomes a formal complaint.

If you decide you can deal with the inappropriate behaviour informally, for example, if the act concerned is relatively minor, isolated or clearly unintentional. In these situations it is possible that the matter can be resolved immediately by letting your colleague know that the behaviour in question is unacceptable to you and should be avoided in future. If you feel unable to do this verbally, you should hand a written request to your harasser; this is something your confidential helper can assist you with.

##### ***2. FORMAL COMPLAINT***

If you feel uncomfortable about raising the issue directly with your harasser or if you consider the behaviour is more serious because it was deliberate, part of a persistent pattern, or serious in nature, or has been repeated despite having discussed a previous incident informally, then you should bring the matter to the attention of a Director as a formal written complaint and again this is something that your confidential helper can assist you with.

If possible, you should keep notes of the harassment so that the written complaint can include:-

- a. the name of the alleged harasser;
- b. the nature of the alleged harassment;
- c. the dates and times when the alleged harassment occurred;
- d. the names of any witnesses; and
- e. any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

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The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, the decision of the investigator detailing the findings will be sent, in writing, to you.

You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

***M) NOTES***

1. If the report concludes that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary and disciplinary dismissal procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.
2. If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

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