

## **1. Anti-bullying and harassment policy**

### **1.1 Introduction**

Our aim is to provide a working environment that respects the rights of each individual employee and where colleagues treat each other with utmost respect. Any behaviour that undermines this aim is totally unacceptable.

The Company 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 of our managers, all employees have a responsibility to ensure that harassment has no place in the workplace.

For an anti-bullying policy concerning students, please refer to the School Principal or School Handbook.

### **1.2 Principles**

This policy 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 Company will not tolerate harassment or bullying of job applicants, employees, contractors, agency workers, the self-employed, ex-employees, customers, and clients and students.

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

### **1.3 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 them.

Each person has the right to decide what behaviour is either acceptable or unacceptable; if an individual finds certain behaviour unacceptable and they feel damaged by it, then that individual has every right to say so, and their right to do so will be respected.

### **1.4 Grounds of harassment**

People can be subjected to harassment on a wide variety of grounds. The following list provides a non-exclusive and non-exhaustive list of examples of harassment, these include:

Sex, sexual orientation, transsexualism (gender reassignment), marital status, race, nationality, ethnic origin, national origin or skin colour, disability, age, employment status, (e.g. part-time, fixed-term,

permanent, self-employed, agency worker, 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 (e.g. 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, however, just one incident may constitute harassment if it is sufficiently serious. Harassment on any grounds will not be tolerated.

### **1.5 Harassment is unlawful**

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

The Company together with any managers 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 will the employee who has committed the act of harassment.

Harassment on any grounds is also a criminal offence under the:

- (a) Criminal Justice and Public Order Act 1994
- (b) Protection from Harassment Act 1997 and Criminal Justice and Police Act 2001
- (c) 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 or third parties may call in the police. Those found guilty face fines and/or periods of imprisonment.

### **1.6 Examples of harassment**

Harassment takes many forms: from 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):

1.6.1 Verbal harassment - examples include: crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip and offensive songs

1.6.2 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 emails, text messages on mobile phones and offensive objects

1.6.3 Physical harassment - examples include: unnecessary touching, patting, pinching or brushing against another employee's body, intimidating behaviour, assault and physical coercion

1.6.4 Coercion - examples include: pressure for sexual favours (e.g. to get a job or promotion) and pressure to participate in political, religious or trade union groups, etc.

1.6.5 Isolation or non-cooperation and exclusion from social activities

1.6.6 Intrusion - examples include: stalking, pestering, spying, etc.

## **1.7 Definition of bullying**

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'.

## **1.8 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. Examples can be split into two categories; obvious and less obvious bullying. Examples include:

Cyber-bullying, shouting or swearing at people in public and private, persistent criticism, 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.

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.

## **1.9 The impact of harassment and bullying**

Harassment and bullying can extract a high price on our employees and the company 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 agents or clients, who could equally communicate negative views and comments to other companies or personal contacts.

### **1.10 Enforcement and awareness**

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 company's policy towards harassment and bullying through induction training and making this Employee Handbook readily available in all schools and places of work.

It is stressed that all complaints of harassment will be treated very seriously.

The company expects all managers 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 to ensure that it is achieving its aims, and that managers and employees are confident about its application.

### **1.11 Procedure for dealing with bullying and harassment**

The Company 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 Company 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 Company 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 HR.

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 Company 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.

### **1.12 Solutions**

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

**Informal solutions** - 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 or a union representative 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.

Full records will be kept of any grievance proceedings and copies of meeting records given to the complainant.

If the complaint is upheld, the matter will be passed to the appropriate line manager to conduct a disciplinary hearing.

### **1.13 Continuing to work together**

Whether a complaint is upheld or not, the Company 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 Company will consider a voluntary request from either party to transfer to another job or work location. However, a transfer cannot always be guaranteed.

### **1.14 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 Company will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way.

### **1.15 Malicious complaints**

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

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