



HARASSMENT & BULLYING POLICY

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This policy relates to all staff of the Society.

The Society has a firm commitment to equality of opportunity and as such will not tolerate the harassment or bullying of one member of its community by another. The purpose of this policy is to assist in developing a working environment in which harassment & bullying are known to be unacceptable and where individuals have the confidence to complain about harassment & bullying, should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly. The policy outlines procedures to be followed if a member of staff feels they are being harassed or bullied in the course of their work or as a result of their employment by the Society.

The Society's commitment

The Society welcomes diversity and believes that every member of staff has a right to work in an environment which encourages harmonious relationships. We are committed to preventing harassment & bullying and it is the responsibility of all managers to make sure that their staff are aware of and understand the context of the Harassment & Bullying Policy.

Every manager should aim to promote a working environment in which harassment and bullying cannot flourish. They should take immediate action if harassment and/or bullying is suspected or identified, whether or not a complaint had been made. Allegations of harassment and bullying received either formally or informally through this policy must be taken seriously and dealt with promptly and sensitively.

In addition to its commitment to equal opportunity the Society has a legal obligation to ensure that harassment on the grounds of someone's race, sex, disability, sexual orientation, gender identity, religion or belief, age or harassment on any other grounds, does not take place at work, as this is discrimination. In addition, the Society has a duty of care towards its staff under the Health and Safety Act 1974.

Every member of staff is also personally liable under the legislation. Allegations of harassment & bullying will be treated very seriously and could result in disciplinary action being taken against the perpetrator. The Society will ensure that any member of staff raising a concern under this policy is not victimised as a result.

As allegations of harassment & bullying are very serious, the Society will also treat very seriously any such allegations proven to be malicious and these are also likely to be the subject of disciplinary action.

What is harassment and bullying?

Harassment is unwanted conduct which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment, and in the perception of the recipient of the conduct, it should reasonably be considered as having that purpose or effect.

Harassment & bullying can take a variety of different forms ranging from repeatedly ignoring a colleague or subjecting them to unwelcome attention, to intimidation, humiliation, ridicule or offence. More extreme forms of harassment & bullying include physical threats or violence. Harassment & bullying may consist of a single incident or a series of incidents. Behaviour that may appear trivial as a single incident, can constitute harassment or bullying when repeated, or in the context of the staff/manager/employee relationship. Harassment & bullying behaviour may not always be intentional, but is always unacceptable, whether intentional or not.

Some of the most prevalent forms of harassment & bullying include the following:

- Sexual harassment can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, the display or distribution of sexually explicit material, unwelcome sexual advances or physical contact, demands for sexual favours or assault.
- Racial harassment is usually although not exclusively directed at people from ethnic minorities. It may include jokes about, or gratuitous references to a person's colour, race, religion, nationality. It can also include offensive remarks about dress, culture, or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups.
- Harassment of disabled people can take the form of individuals being ignored, disparaged or ridiculed because of mistaken assumptions about their capabilities. Their impairment/disability rather than their ability can become the focus of attention and harassment can include inappropriate personal remarks, jokes or inappropriate reference to an individual's appearance.
- Harassment on the grounds of a person's sexual orientation may be aimed at heterosexual people but is more usually experienced by gay men and lesbians, bisexual men and women. Examples of harassment relating to sexual orientation are homophobic remarks or jokes, offensive comments relating to a person's sexual orientation, threats to disclose a person's sexual orientation to others or offensive behaviour/abuse relating to HIV or AIDS status.
- Harassment on the grounds of gender identity may be aimed at transgender people, or people who have undergone, are undergoing, or intend to undergo gender reassignment. It is recognised that this is a separate issue unrelated to sexual orientation. It is unlawful to discriminate against, or harass anyone on these grounds under the Equality Act 2010.
- Bullying is the exercise of power over another person through negative acts or behaviours that undermine him/her personally and/or professionally. Power encompasses personal strength, or power to coerce others through fear or intimidation, which is not always synonymous with status.
- Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour which places inappropriate pressure on the recipient or has the effect of isolating or excluding them. Bullying can take the form of shouting, sarcasm, derogatory remarks concerning job performance or constant criticism.

The above list of examples is not exclusive and harassment can also take place on the grounds of a person's age, religion or any other characteristic that makes them

different from the majority or from the person who harasses or bullies them. Although the terms 'harassment' and 'bullying' are not synonymous, the guidance in this policy document relates to both issues and the term 'harassment' will be used from this point onwards to encompass both.

Managers have an obligation to tackle issues of poor performance and therefore harassment and bullying is to be distinguished from a manager legitimately and appropriately invoking approved performance management or disciplinary procedures in accordance with Society policy.

Harassment - general principles

The over-riding principles in dealing with allegations or concerns of harassment are that they must be taken seriously, considered carefully and addressed speedily and where possible, in confidence.

A member of staff who feels that they are the subject of harassment (either by a colleague, a manager or anyone else whom they come into contact with in the course of their work) may wish to make a note of incidents, dates, times and any witnesses, for future reference. Any member of staff who considers themselves to have been the subject of harassment has the right to be listened to and to be given informed advice on how the matter may be resolved.

Should harassment occur in a group situation, the person in authority within the group has the responsibility to recognise harassment when it occurs and to take speedy action to stop it. It is important that it is made clear to the perpetrator that such behaviour is unacceptable and will not be tolerated. Silence or inaction can be seen as collusion and endorsement of such behaviour. If the person in authority is the harasser, others within the group should support the individual being harassed in taking action to report the harassment.

How will allegations of harassment be dealt with?

In the event that a member of staff considers that they are experiencing harassment they have a number of options open to them. They may be able to speak directly to the individual concerned or to write to him/her expressing their concerns and requesting that the harassing behaviour stop immediately. Alternatively, (or subsequently if they achieve no success) they may wish to talk to someone in order to obtain another perspective on the situation and to ensure that someone else knows about it and can take action with them to ensure that it stops. A final option is to make a formal complaint.

The Informal Approach

Members of staff wishing to seek advice or discuss concerns about harassment may approach their line manager or another manager within the Society or contact a member of the People & Performance Team. It is acknowledged that some members

of staff may wish to seek either informal or formal advice from their trade union representative.

Having heard the facts about the incident and the context of the action or behaviour that caused concern, there are a number of informal options available to the individual to resolve the matter. For example the person who has experienced harassment could talk to the individual on his/her own, or with a colleague accompanying him/her. The purpose of the conversation would be to make the respondent aware of the way his/her behaviour has been perceived and ask him/her not to repeat it. Alternatively, the manager could facilitate a meeting between both parties to give the complainant the opportunity to talk to the respondent and explain his/her view of the offending behaviour.

The action outlined above will be appropriate in many cases and will often be sufficient to resolve the matter. Where it is possible to resolve the matter by informal means, every effort should be made to do so and as swiftly as possible. A formal complaint should only be submitted as a 'final option', where the informal approach has not achieved satisfactory results, or in exceptional circumstances where the nature of the incident(s) warrants a more formal approach.

If an informal approach has failed or is inappropriate, a formal complaint can be made in writing to the People & Performance Department.

A Formal Complaint

Step 1 – Notifying a Complaint

Once it has been established that the issue has not been resolved, a formal complaint must be registered in writing as soon as possible.

In cases of alleged bullying, harassment or discrimination the written statement should, wherever possible, detail the following points:

- the name(s) of the alleged harasser
- the nature of the harassment
- dates and times when harassment occurred
- name(s) of any witnesses to any incident(s) of harassment
- any action already initiated which was intended to stop the harassment

Step 2 - Meeting

The complainant would be invited to attend a meeting to discuss the issues as soon as reasonably practicable and normally within 10 working days of the date of receipt of the written statement. The complainant must take all reasonable steps to attend the meeting to discuss their complaint.

The complainant will have the right to be accompanied at this meeting by either a work colleague or a trade union official. The companion has the right to address the hearing and may ask questions but he/she may not answer questions on the complainant's behalf.

Suspension During/After Meeting

It may become necessary to suspend either the complainant or alleged harasser or both parties where it is believed that this course of action would be in the best interest of the individual and the Society, having regard to the circumstances of the particular allegations or complaints. Suspension itself is not a disciplinary sanction and does not imply pre-judgement and suspended parties will be on full pay.

Potential Outcomes from the Hearing

Once the manager is satisfied that he/she has come to a satisfactory conclusion he/she must then decide whether to:

- Uphold the complaint
- Partially uphold the complaint
- Not uphold the complaint

Where the complaint is upheld or partially upheld consideration should be given to any potential remedy or solution. This may be a recommendation for training, development or counselling for one or more individuals involved in the case. In some cases where the complaint is upheld, this may result in a recommendation that disciplinary proceedings be initiated immediately under the Society's Disciplinary Procedure.

Communicating the Decision

Following the meeting, the manager would normally inform the complainant in writing and should clearly state the outcome. This response should normally be received by the complainant no later than 10 working days following the date of the meeting. Where this is likely to extend beyond 10 working days from the meeting, the manager would inform the complainant of the delay, the reasons for the delay and the expected date for the decision.

If the complaint is against the actions and/or decisions of another member of staff, the outcome must also be communicated, in the same way, to that individual.

If either the complainant or the respondent feels that a formal investigation of a harassment complaint involving them has not been dealt with to their satisfaction, they may raise their concerns via the appropriate Grievance procedure.

While the formal complaint is under investigation, an alternative location, or shift pattern for the work of the complainant will be considered where requested (although there can be no guarantees that an alternative location can always be found). Where it is necessary to facilitate ongoing professional relations between the two parties, other possibilities such as an embargo on one to one meetings between the parties, or meetings without a third party present should be considered and facilitated by the line manager and Head of Department.

Where a complaint of harassment and bullying has been upheld and disciplinary action is taken against the respondent, the Head of Department with advice from People & Performance, should monitor the situation, to make sure there is no repeat

in the offending behaviour and/or victimisation and/or lack of management or support for the former complainant.

Following a finding of harassment or bullying any repeat behaviour of this type will result in disciplinary action.

Monitoring of the Policy

The Policy and Procedure may be amended at any time.

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