

## HARASSMENT & BULLYING POLICY

### POLICY STATEMENT

Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, gender, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

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. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Vocational Training Services (VTS) supports the right of each employee and learner to work in an environment that is free from harassment and bullying. Eliminating harassment from the working and learning environment, and services provided to customers, enables an enjoyable atmosphere where people can feel free of unwarranted conduct.

VTS abhors harassment and bullying, and will treat them as misconduct under the Disciplinary and Grievance Procedure. It undertakes to deal seriously, expeditiously, fairly, confidentially (in so far as possible) and sensitively with allegations of harassment and bullying.

The overall responsibility for the Policy lies with the Director of VTS, however all employees (including temporary employees and contractors) and customers of VTS are expected to comply with the policy, and to act in accordance with its objectives so as to remove any barriers to equality and fairness.

All employees have a duty to create and maintain a positive work environment where the right of each individual to dignity at work is recognised and protected. This includes personal and professional behaviour whilst on VTS premises, and also when representing VTS outside of the premises e.g. engaged in work, work related activities (including training, travel) or social events.

### 1. AIM & OBJECTIVES

**(a) Aim**

Everyone has the right to seek/obtain and hold employment and learning, and to receive a service without discrimination or harassment. The aim of this policy is to ensure that everyone is treated fairly and with respect by providing a working and learning environment that is free from harassment and intimidation of any form that is offensive to the individual.

**(b) Objectives**

- (i) Ensure all employees and customers are aware of the definition of harassment.
- (ii) Ensure that employees and services users are aware of the sensitive and complex issues surrounding harassment and understand that what one person may find acceptable, another may find offensive. Be aware that it is the impact of harassment that is the deciding factor and not the motive or intention. Harassment can take many different forms. It can be an isolated incident or repetitive behaviour; it can be directed at one individual or a group.
- (iii) Ensure employees and customers are aware of the different forms of harassment and understand examples of inappropriate behaviour.

## **2. RESPONSIBILITY OF VOCATIONAL TRAINING SERVICES EMPLOYEES**

- (i) Comply with the law, relating to harassment.
- (ii) Cooperate fully with all measures introduced by VTS with regard to Equal Opportunities.
- (iii) Do not discriminate against any individuals or groups, whether other employees, stakeholders, customers or members of the community, or incite others to do so. "A person who knowingly aids another to do an unlawful act shall be treated as doing the act himself". (Sex Discrimination Act 1975 S42: Race Relations Act 1976 S33 (1).
- (IV) Do not harass, abuse, bully or intimidate any individuals or groups, whether other employees, stakeholders, customers or members of the community, or incite others to do so.
- (v) Do not victimize any individuals or groups, whether other employees, stakeholders, customers or members of the community, or incite others to do so.
- (vi) Bring to the attention of their line manager any suspected acts or practices of discrimination, harassment, bullying, intimidation or victimization without delay.
- (vii) Report to their line manager any incident seen or heard, which may be contrary to the law. Managers (mentors and supervisors) may also be found liable: they have a duty to ensure the law is upheld.

- (viii) Challenge inappropriate behaviour of employees, stakeholders and customers correctly and support them in understanding their rights and responsibilities.

### **3. FORMS OF BULLYING & HARASSMENT**

Examples of bullying/harassing behaviour include:

- spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, gender, disability, nationality, sexual orientation and religion or belief);
- copying memos that are critical about someone to others who do not need to know;
- ridiculing or demeaning someone – picking on them or setting them up to fail;
- exclusion or victimisation;
- unfair treatment;
- overbearing supervision or other misuse of power or position;
- unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;
- making threats or comments about job security without foundation;
- deliberately undermining a competent worker by overloading and constant criticism;
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

Bullying and harassment make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

### **4. COUNSELLING**

It is recognised that employees, stakeholders or customers who are victims of harassment may suffer emotional or psychological reactions to their experiences. It is essential that the management response to these situations is sympathetic and supportive.

Support can be obtained from the company's confidential support advisors, line managers, the Director or through external sources (e.g. Victim Support).

## 5. CONFIDENTIALITY

VTS is conscious of the need to handle complaints sensitively, expeditiously and discreetly. The importance of confidentiality for both complainant and the alleged harasser/bully cannot be over emphasised.

The complaint, whether or not it is well founded, can have a lasting effect on the lives of the people involved. While it is desirable to maintain the utmost confidentiality, once an investigation of an issue commences, it may be necessary to interview witnesses. In addition, the complainant and the person against whom the complaint is made may be accompanied and/or represented at meetings by a representative, trade union representative or a friend or colleague. The importance of confidentiality will be stressed to all parties involved in the process.

## 6. DEALING WITH HARASSMENT

There are both formal actions and procedures that can be taken to stop the situation from continuing.

It is prudent to document any action taken. It provides evidence of actions to stop the harassment and /or bullying.

### (a) Informal Action

This may be especially appropriate where the harasser is a co-worker or subordinate, or where the behaviour is viewed by the victim as being relatively minor and it is felt that intervention now may stop the behaviour continuing.

The fear of adverse reaction and embarrassment often causes individuals experiencing harassment to avoid raising issues. The following actions are useful ways of stopping the harassment from developing further.

#### (i) Talk to Someone Else

If you feel too embarrassed or frightened to make a direct approach to the alleged harasser on your own, you may wish to ask a friend or a colleague to accompany you or approach the alleged harasser on your behalf. Ask to speak to a confidential support advisor, line manager, a sympathetic work colleague or the Director.

Make it clear, either verbally or in writing, that the alleged harasser's behaviour is unacceptable to you and you want it to stop.

#### (ii) Make an Informal Objection

When seeking advice or support, it should be made clear to all parties that no official complaint is being made at this stage. You may take a colleague with you, if you wish.

In the absence of an official complaint, your advisor should not ignore such a problem and shall ensure, as far as is reasonably practical, that the problem is addressed through informal means and without compromising confidentiality.

If the situation continues, further action should be considered. This can still be done informally, by informing the alleged harasser of your intention to take further action if their behaviour continues. This introduces a slightly more formal note which may influence the alleged harasser.

It is important that any written record should indicate the date, place, time and names of witnesses and details of the incident(s). Such details will assist if you decide to pursue a formal complaint.

## **b) Formal Action**

A formal complaint may be raised when:-

- (i) The conduct continues after an informal approach has been made to the alleged harasser.
- (ii) Retaliatory behaviour is encountered
- (iii) The incident is too serious, or the complainant feels too frightened to approach the alleged harasser, with or without the help of others.

In order to make the complaint formal the following options are available:-

- (i) VTS Complaints Procedure
- (ii) VTS Disciplinary & Grievance Procedure

In addition, employees who are victims of harassment have the right to take their complaint to an Employment Tribunal. However, the matter should first be brought to the attention of VTS, under The Public Interest Disclosure Act 1998, to enable the Director to deal with the circumstances of the complaint. If the outcome of the investigation conducted by VTS is unsatisfactory to the victim of the harassment then the complaint may be taken to an Employment Tribunal.

## **c) Bullying or harassment by non-employees**

Where a complaint is received that an employee at work, or while engaged in work related or associated activities has been bullied or harassed by someone who is not employed by VTS (e.g. a candidate / learner, contractor, customer, business contact), VTS will investigate.

Non-employees will be made aware of employees' right to make a complaint and that they may be requested to participate in the process. Non-employees will also be informed that in the event of a complaint against them being upheld that appropriate sanctions may be imposed which could, in particular circumstance, include termination of contract, suspension of service, exclusion from premises.

## **7. ACTION AGAINST THE ALLEGED HARASSER**

### **(a) Informal Action**

Where an employee, stakeholder or customer is approached informally, either by a colleague, a trainer, assessor, internal verifier, a line manager, or one of the Directors, regarding a complaint against them, the purpose of the discussion will be to resolve the situation informally.

It is in the interest of the alleged harasser to stay calm, discuss and resolve the issues raised to prevent any further action.

The alleged harasser may require the support of a confidential support advisor, colleague or manager, or external services.

### **(b) Formal Action**

Where an employee is approached as part of a formal complaint, it may be in their interest to seek advice from a line manager, representative, colleague or friend, who may also be present at any formal meeting concerning a harassment investigation.

If the complaint is upheld, the disciplinary process will be instigated.

If the complaint is not upheld following an investigation of the matter, no further action will be taken against the alleged harasser.

Where a complaint against an individual is frivolous or malicious, this matter will be investigated and any necessary action will be taken under the Disciplinary & Grievance Procedure.

Convention Right Article 3 of the Human Rights Act 1998 prohibits degrading treatment. This provision aims to protect an individual from physical and mental ill treatment.

## **8. REVIEW & MONITORING**

All aspects of the Harassment & Bullying Policy will be monitored annually to ensure it is implemented across the Company.