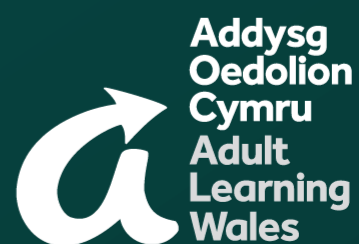


# **Bullying and Harassment Policy**

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Author:	Vicky Roderick
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### **Crynodeb o'r Polisi Dwyieithog**

Mae'r polisi hwn yn sefydlu ymrwymiad Addysg Oedolion Cymru|Adult Learning Wales i greu gweithle sy'n rhydd rhag bwlio ac aflonyddu o unrhyw fath.

Mae'n nodi cyfrifoldebau pob gweithiwr a rheolwr llinell yn unol â'r polisi ac yn amlinellu'r weithdrefn i'w dilyn wrth ddelio ag achosion o fwlio ac aflonyddu.

### **Bilingual Policy Summary**

This policy sets out Addysg Oedolion Cymru|Adult Learning Wales's commitment to creating a workplace which is free from bullying and harassment of any kind.

It sets out the responsibilities of employees and line managers under the policy and outlines the procedure to follow when dealing with instances of bullying and harassment.

# **BULLYING AND HARRASSMENT POLICY**

## **1.0 INTRODUCTION**

Addysg Oedolion Cymru|Adult Learning Wales is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Harassment and bullying can have very serious consequences.

- Bullying and harassment may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide.
- Effects on Addysg Oedolion Cymru|Adult Learning Wales could include loss of morale, poor work performance, increased absence rates, poor commitment to the organisation, increased turnover of staff, legal claims and damage to Addysg Oedolion Cymru|Adult Learning Wales's reputation and employer brand.
- Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

Addysg Oedolion Cymru|Adult Learning Wales will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. Addysg Oedolion Cymru|Adult Learning Wales will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

## **2.0 SCOPE**

This policy covers bullying and harassment of and by managers, employees, volunteers, contractors, agency staff and anyone else engaged to work for Addysg Oedolion Cymru|Adult Learning Wales, whether by direct contract with Addysg Oedolion Cymru|Adult Learning Wales or otherwise.

If the complainant or alleged harasser is not employed by, or a volunteer of Addysg Oedolion Cymru|Adult Learning Wales this policy will apply with any necessary modifications such as that the association could not dismiss the worker but would instead require the employer to remove the worker if appropriate, after investigation and disciplinary proceedings.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. work-related visits; community and branch venues and work-related social events.

## 3.0 BULLYING AND HARRASSMENT

### 3.1 Definitions and Legal Framework

**Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate, denigrate or injure the recipient (ACAS). Unless bullying amounts to conduct defined as harassment in the Equality Act 2010 it is not possible to make a complaint to an Employment Tribunal about it. However, Addysg Oedolion Cymru|Adult Learning Wales have a duty to protect an employee's health and safety at work. Under the Health and Safety at Work Act 1974, employers are responsible for the health, safety and welfare at work of all employees. Addysg Oedolion Cymru|Adult Learning Wales has a duty of care to all of its employees and will not tolerate bullying of any kind.

**Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct. (Equality Act, 2010)

### 3.2 Instances where harassment may occur

Conduct may be harassment whether or not the person behaving in that way intends to offend or not. Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others.

Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, e.g. sexual touching. However it may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, for example certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear that such behaviour is unacceptable to him/her.

Harassment may also occur where a person engages in unwanted conduct towards another because he/she perceives that the recipient has a protected characteristic when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that that the recipient is deaf. Similarly, harassment

could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if his/her child is disabled, wife is pregnant or friend is a devout Christian.

Harassment also includes circumstances where an individual is subjected to unwanted conduct from a third party, such as a client or customer. If an employee feels that he/she has been bullied or harassed by customers, suppliers, vendors or visitors, he/she should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the Addysg Oedolion Cymru|Adult Learning Wales's disciplinary policy and may be gross misconduct which can lead to dismissal without notice.

Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

### **3.3 Examples of bullying or harassment**

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter, email or social networking.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault
- unwelcome sexual advances
- demeaning comments about a person's appearance
- unwelcome jokes or comments related to a protected characteristic, where a person is perceived to have a protected characteristic or with regards to a relationship an individual has with another person with that protected characteristic
- Regularly making the same person the butt of jokes
- Public humiliation
- False accusations
- questions about a person's sex life
- unwanted nicknames related to a protected characteristic
- the use of obscene gestures
- the exclusion of or ignoring an individual because he/she has a protected characteristic, where a person is perceived to have a protected characteristic or with regards to a relationship an individual has with another person with that protected characteristic
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups
- spreading malicious rumours or insulting someone

- making threats or comments about someone's job security without good reason;
- ridiculing someone
- isolation or non-cooperation at work
- deliberately ignoring the viewpoints of others
- excessively overbearing supervision
- unduly criticising someone's work
- excessive and unwarranted monitoring
- excluding someone from social activities

## **4.0 VICTIMISATION**

**Victimisation** is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment, and Addysg Oedolion Cymru|Adult Learning Wales will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

## **5.0 PROCEDURE**

### **5.1 Informal Discussion**

Addysg Oedolion Cymru|Adult Learning Wales employees are encouraged to sort out matters informally in the first instance. The other person may not know that his/her behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his/her behaviour and agree to change it. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager or the HR Department.

### **5.2 Logging bullying and/or Harassment with your Line Manager/HR**

Although we would encourage employees to have an informal discussion with the other member of staff, we also understand that this may be an intimidating prospect. You may want to approach the issue by logging what has happened with your line manager or with a member of the HR team.

In these circumstances, the incident will be logged on the individual's personal file. This will ensure that we are recognising if there are any patterns of repeated bullying behaviour. If there is more than one instance of similar behaviours logged on an employee's personal file, there will be an automatic investigation into the circumstances and the issues.

Mediation will be considered as an approach to dealing with individual conflict where appropriate. Mediation is a confidential and voluntary process where an impartial third person facilitates communication between two parties, to enable them to discuss their differences and work together to reach their own acceptable solutions.

## **5.2 Keeping a Record**

It is important that anyone who believes that they have suffered from bullying or harassment should keep notes of the details outlined below for each incident and that they are made as soon after the event as possible. Failure to keep notes will not preclude access to these procedures but it is encouraged.

Detailed notes should include the following:

- date
- time
- place
- name of person bullying or harassing them
- what actually happened
- how the person felt at the time
- name of any witnesses
- action taken and whether reported to management
- any correspondence relating to the incidents and subsequent complaints

## **5.3 Formal Procedure**

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Addysg Oedolion Cymru|Adult Learning Wales Grievance Procedure.

## **5.4 Suspected Criminal Offences**

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police. Your manager or the HR department can arrange for someone to accompany you to make a complaint to the police.

## **5.5 Investigations**

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice

at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings. Addysg Oedolion Cymru|Adult Learning Wales will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred.

### **5.6 Possible suspension or redeployment during the investigation**

In order to relieve the stress and pressure on one or both parties; to prevent the risk of further incidents and to prevent victimisation it may be necessary to suspend the alleged harasser.

Suspension under this procedure does not constitute part of the disciplinary procedure and will be on full pay.

Addysg Oedolion Cymru|Adult Learning Wales may wish to consider granting of special leave in appropriate circumstances, upon the request of the complainant.

### **5.7 Action following investigation**

Following completion of the investigation, Addysg Oedolion Cymru|Adult Learning Wales will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred and either:

- take no action
- initiate the organisation's agreed disciplinary procedure; or
- take management action other than to initiate the disciplinary procedure.

The appropriate action will be notified in writing to both parties as soon as is practicable on completion of the investigation.

If the person who made the complaint is dissatisfied with the outcome, they may lodge an appeal in accordance with provisions set out in the Grievance Policy.

## **6.0 CONFIDENTIALITY**

Addysg Oedolion Cymru|Adult Learning Wales will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so he/she is able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed you is kept in Addysg Oedolion Cymru|Adult Learning Wales's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.



## **6.0 RESPONSIBILITIES**

### **6.1 All Addysg Oedolion Cymru|Adult Learning Wales Staff**

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:-

- being aware of how your own behaviour may affect others and changing it, if necessary
- treating your colleagues with dignity and respect
- taking a stand if you think inappropriate jokes or comments are being made
- making it clear to others when you find their behaviour unacceptable
- making it clear that you find harassment and bullying unacceptable
- reporting harassment or bullying to your manager or the HR Department
- Supporting Addysg Oedolion Cymru|Adult Learning Wales in the investigation of complaints

### **6.2 Managers**

Line management behaviour is considered as having the most impact on the successful implementation of Bullying and Harassment Policies (CIPD 2014).

In particular, managers should:-

- set a good example by their own behaviour
- ensure that there is a supportive working environment
- ensure that feedback is delivered in such a way that it is constructive and not destructive
- apply policies and procedures consistently among their staff
- ensure that they listen to legitimate concerns or feelings of their staff
- make sure that staff know what standards of behaviour are expected of them
- intervene to stop bullying or harassment
- Where an employee raises an informal complaint, ensure that this is logged with the HR team
- report promptly to the HR Department any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

**This document was revised in January 2017. It is due for review in January 2020.**

**Addysg Oedolion Cymru|Adult Learning Wales reserves the right to alter the provisions of this policy from time to time in accordance with the statutory provisions or any agreements in force.**

