

Busnes Cymdeithasol Cymru Social Business Wales

[/businesswales.gov.wales/socialbusinesswales](https://businesswales.gov.wales/socialbusinesswales)



Wales Co-operative Centre
Canolfan Cydweithredol Cymru

Bro Môn Bullying and Harassment Policy



Llywodraeth Cymru
Welsh Government



Responsibility for Review	Date of Last Review	Date of Next Review
Director	November 2019	November 2020

Bullying and Harassment Policy

Policy Statement

Bro Môn is committed to a working environment that offers equal opportunities and where all employees have the right to be treated fairly and with dignity and respect.

Harassment, either racial or sexual or on grounds of disability, sexual orientation, religion or belief or age will not be tolerated under any circumstances, and all employees are required not to behave in such a way as to cause offence to others, whether employees or customers, in respect of their age, disability, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion, belief or none, sex, sexual orientation, socio-economic background.

Definitions

Bullying and harassment can range from extremes, such as violence to less obvious forms, such as ignoring individuals. Whatever the form, it will be unwanted behaviour, which is unwelcome and unpleasant.

Harassment

Harassment is any unwanted conduct related to an anti-harassment protected characteristic (non-verbal, verbal, written or physical) which has the purpose or effect of violating a person's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It is not the intention of the perpetrator that is key in deciding whether harassment has occurred, but whether the behaviour is unacceptable by normal standards and is disadvantageous. It is the unwanted nature of the conduct that distinguishes harassment from friendly behaviour that is welcome and mutual. Conduct may be harassment whether or not the person intended to offend. Something intended as a "joke" or as "workplace banter" may offend another person. This is because different people find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.

Behaviour which a reasonable person would realise would be likely to offend another person will always constitute harassment without the need for the person having to make it clear that such behaviour is unacceptable, for example touching someone in a sexual way. With other forms of behaviour, however, it may not always be clear in advance that it will offend a particular person, for example workplace banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the other person has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.

Harassment also includes engagement in unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating the other person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other person. Additionally, harassment also includes engagement in unwanted conduct of a sexual nature or

that is related to gender reassignment or sex, where it has the purpose or effect of violating the other person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee, and because of that other person's rejection of or submission to the conduct, they treat that other person less favourably than they would treat them if they had not rejected, or submitted to, the conduct.

The unwanted conduct will still amount to harassment if it is based on the anti-harassment protected characteristic of a third party with whom the individual is associated and not on the individual's own anti-harassment protected characteristic, or if it was directed at someone other than the individual or even at nobody in particular, but they witnessed it. In addition, harassment can include cases where the unwanted conduct occurs because it is perceived that a person has a particular anti-harassment protected characteristic, when in fact they do not.

Workplace Bullying

Workplace bullying is any persistent behaviour, directed against an individual or group of employees, which is unwanted, intimidating, offensive or malicious and deliberately humiliating and which undermines the confidence and self-esteem of the recipient. Bullying is largely identified not so much by what has been done but rather by the effect that it has on its target. Bullying differs from constructive criticism that will assist an individual in the future if it is destructive in its intent and/or effects.

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to:

- physical contact
- unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature
- subjection to obscene or other sexually suggestive or racist comments or gestures, or other derogatory comments or gestures related to an anti-harassment protected characteristic
- questions about a person's sex life
- jokes, offensive language, name calling, gossip, slander, sectarian songs and letters or which are otherwise derogatory in relation to an anti-harassment protected characteristic
- posters, pictures, graffiti, obscene gestures, flags, bunting and emblems
- isolation or non-cooperation and exclusion from social activities
- the offer of rewards for going along with sexual advances or threats for rejecting sexual advances
- pressure to participate in political/religious groups
- intrusion by pestering, spying and stalking
- e-mail harassment, which can arise through repeated or unwanted requests or screen displays or messages containing innuendo, attachments or pictures.
- demeaning comments about a person's appearance
- the use of nicknames related to an anti-harassment protected characteristic
- picking on or ridiculing a person because of an anti-harassment protected characteristic
- isolating a person or excluding him or her from social activities or relevant work-related matters because of an anti-harassment protected characteristic
- verbal or physical threats or intimidation
- persistent negative comments

- humiliating someone in front of others
- unjustified persistent criticism
- offensive or abusive personal remarks
- setting unattainable targets and/or constantly changing work targets in order to cause someone to fail
- reducing someone's effectiveness by withholding information
- ostracism
- picking on one person for criticism where there is a common problem
- not giving credit where it is due
- claiming credit for someone else's work
- belittling someone's opinion
- making false allegations
- monitoring work unnecessarily and intrusively
- undervaluing work done
- removing areas of responsibility without justification
- imposing unfair sanctions
- undermining an individual's professional ability in front of other staff

This list is not exhaustive.

Consequences of Bullying and Harassment

Bullying and harassment have an adverse effect on both individual employees and employers. Employees can be subject to loss of confidence and self-esteem, fear, stress and anxiety, which can lead to stress-related ill health, increased absenteeism, demotivation and apparent lack of commitment, poor performance and resignation.

The damage, tension and conflict which this create can result in poor morale, reduced productivity, lower efficiency, higher staff turnover, decline in staff relations, divided teams and damage to an organisation's reputation.

Policy Principles

Bro Môn considers harassment (including bullying) to amount to misconduct and may be gross misconduct, depending on the nature and extent of the harassment. Such misconduct will be dealt with under the organisation's Disciplinary Policy and may lead to summary dismissal.

Complaints from customers including allegations of harassment will be dealt with in accordance with the organisation's Disciplinary Procedure. Harassment of customers is misconduct, which may amount in serious cases to gross misconduct and lead to summary dismissal.

An employee will not be victimised for raising a complaint of bullying or harassment under the procedure, or for acting as a witness in investigations of complaints.

Wherever possible and appropriate, Bro Môn will endeavour to maintain confidentiality in respect of any complaints raised.

Procedure

Informal Procedure

If an employee feels they are being harassed or bullied they should, if possible, advise the harasser/bully that the behaviour is unwanted and offensive. The employee should advise the alleged harasser/bully that the behaviour has to stop, and what the consequences will be if they persist in the unacceptable behaviour.

A written request that the behaviour stops may be effective.

Bro Môn also recognises that actual or perceived power and status disparities may make such confrontation impractical. In the event that such informal direct communication is either ineffective or impractical, or the situation is too serious to be dealt with informally, the employee should follow the procedure set out below.

Notes and diary entries of all occasions and behaviour should be kept in as much detail as possible.

If the behaviour does not cease, the employee may approach their line manager or more senior manager who will be able to provide advice/information.

If agreed, the manager may facilitate an informal confidential meeting between the employee and the alleged harasser/bully in order to try to resolve the problem and agree any action required.

An employee may be accompanied by a colleague or trade union representative.

Formal Procedure

The complainant must send a written complaint specifying and, where possible, stating:

- the name of the harasser/bully
- what has occurred
- when and where it occurred
- the name of any witness/es
- any steps taken to stop the harassment/bullying

The complaint should be sent to the line manager. When a complaint is received, the alleged harasser/bully will be notified. The manager will investigate the matter fully and all employees will be expected to co-operate with the investigation. In certain circumstances, precautionary suspension in accordance with the organisation's Disciplinary Policy may apply.

If the allegation involves the line manager, the matter should be raised with a more senior manager.

Bro Môn will complete an investigation within a reasonable time of the complaint being received. If it is not possible to comply with this time-scale the individual will be consulted and an amended time-scale will be agreed.

Failure to co-operate with an investigation is considered by the organisation to be a disciplinary offence and will result in disciplinary action being undertaken by Bro Môn.

Copies of all statements will be provided to both the alleged harasser and the complainant. A separate meeting with both the employee and the alleged harasser/bully will be held within 5 days of completion of the investigation.

Both the employee/complainant and the harasser/bully may be supported throughout the formal procedure by a colleague, trade union representative or contact officer.

An employee who is a material witness in the proceedings will not act as a companion; an employee who is asked to be a companion is not obliged to do so.

During the investigation, a complainant will not be asked to work in close proximity with the alleged harasser/bully. If this necessitates a move the harasser will be moved, or if this is impracticable, suspended.

Where a grievance is considered by the line manager to be made out, disciplinary action in-line with the organisation's Disciplinary Policy will be taken.

If the complaint is upheld, the complainant will be consulted as to the remedy. The employee will not be put under pressure to work closely with the harasser/bully if they are not happy to do so.

If the complaint is not upheld, consideration will be given to the subsequent working arrangements for both parties.

Penalties

The penalties imposed on the harasser will be in accordance with the organisation's Disciplinary Procedure and may amount to written warnings, transfer, demotion or dismissal depending on the severity of the offence.

Appeal

Employees found to have harassed/bullied a colleague or customer and penalised under the Trust's Disciplinary Policy may lodge an appeal in accordance with the Policy.

In the case of a malicious complaint of bullying or harassment, disciplinary action will be considered.

Manager Responsibilities

Managers must make all their staff aware of the organisation's Bullying and Harassment Policy and ensure their compliance with it.

Managers must treat each allegation of bullying or harassment seriously and sympathetically and with an open mind.

Managers must ensure that they do not take detrimental action against employees who have alleged bullying or harassment.

Where a manager becomes aware of harassment whether or not a formal complaint has been made, they must take the matter forward and report it to the Chair of the Trustees or a more senior manager after discussing it with the victim, unless expressly requested by the victim not to do so.

Managers must ensure that:

- performance standards are established fairly and consistently with each member of staff/employee
- objectives are formalised and agreed, so that an employee/member of staff does not feel victimised or unfairly criticised for their standard of work.

Individual Responsibility

Every individual employee must treat all colleagues with dignity and respect and ensure that their own conduct does not cause offence or misunderstanding or contribute to an environment in which bullying or harassment is condoned or encouraged.

Every individual employee must ensure that bullying or harassment does not occur and must report any incidents to their line manager immediately after they have occurred.

Every individual employee is expected to comply with this Policy and offer support to colleagues who are the victims of bullying and/or harassment.

Every individual employee should comply with this Policy; any complaints of harassment or bullying should be raised through the above procedures.

Monitoring and Review

The Director is responsible for monitoring and review of this Policy. This will include the number and types of complaints made, action taken, compliance with indicated time-scales and training.

Operation of the Policy will be monitored for its effectiveness, including:

- records of complaints, who was involved and where, why and how they occurred
- individual complaints to ensure resolution and no victimisation

Records relating to cases of bullying and harassment will be processed and maintained in accordance with the provisions of the Data Protection Act 1998.

Publicity and Training

A copy of this Policy will be given to all staff [and will be included within the Induction Programme] to ensure that they:

- know their rights and personal responsibility under the Policy
- understand the commitment
- are aware of the counsellors' names
- know how to make complaints

Managers will receive training on the concept of bullying and harassment and on Bro Môn policies and procedures for preventing, challenging and dealing with such behaviour.

Where appropriate, training and/or counselling will be provided for the individual employees involved in a case of bullying or harassment.