



## HARASSMENT AND BULLYING POLICY

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CORPORATE FIT	
Internal Management Plan	
Risk Register	
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Equalities Strategy	
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## 1. INTRODUCTION AND POLICY STATEMENT

- 1.1 Part of our key aims of The Albyn Group is to build our Purpose, our Mission, our Values and our Vision into our policy and decision making on a daily basis. With that in mind, we aim to follow our guiding principles that apply to all policies: <https://www.albynhousing.org.uk/about-us/>
- 1.2 The Albyn Group is committed to ensuring that all its staff are treated with dignity and respect and treat others in the same way. We believe that all staff have the right to work in an environment which is free from any form of harassment and/or bullying. This policy therefore covers harassment and bullying that occurs:
  - 1.2.1 in the workplace; and
  - 1.2.2 outside the workplace in a work-related context, such as on business trips, customer or supplier events or work-related social events.
- 1.3 This policy applies to all staff working for us at any of our premises, including: casual and agency staff, consultants, contractors, directors, employees, homeworkers, managers, officers, Board members and volunteers. We also make it clear to our customers, visitors and others who work with us that harassment of our staff is unacceptable.
- 1.4 All staff are required to read this policy and to ensure that they understand what types of behaviour are unacceptable. If you have any queries, please refer to your Line Manager or the Human Resources Team.
- 1.5 This policy does not form part of any employee's contract of employment. We may amend it at any time and decide to follow a different procedure where we consider it appropriate.

## 2. HARASSMENT

- 2.1 It is Albyn Group's policy that the harassment of any of its employees is unacceptable behaviour. Anyone found to be in breach of this policy will be liable to disciplinary action, which could result in dismissal without notice.
- 2.2 Harassment may take a number of forms (including bullying), occurs on a variety of different grounds and can be directed at one person or a number of people. Harassment need not be directed at the complainant and can occur if the complainant witnesses another person being harassed.
- 2.3 Harassment involves subjecting an individual to conduct which is unwanted and where the conduct has the purpose or effect of:
  - 2.3.1 violating the victim's dignity; or

- 2.3.2 creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim
- 2.4 Harassment also occurs where the perpetrator engages in unwanted conduct of a sexual nature and that conduct has the purpose or the effect referred to above. An individual of any gender may be the victim of sexual harassment.
- 2.5 A person will also commit harassment if they (or anyone else) engage in unwanted conduct (of a sexual nature or otherwise) that has the purpose or the effect referred to above and the victim either rejects or submits to it and, because of that rejection or submission, that person treats the victim less favourably. For example, it will be harassment for a manager whose repeated advances to a more junior female employee have been consistently rebuffed subsequently to give the woman a poor performance review because she had rejected him.
- 2.6 Conduct usually becomes harassment if it continues even though it has been made clear that it is regarded by the recipient as offensive or unwanted. However, a single incident may amount to harassment if it is sufficiently serious.
- 2.7 The unwanted nature of the conduct distinguishes harassment from friendly behaviour that is welcome and mutual. Staff must always consider the whether their words or conduct may be considered offensive.
- 2.8 Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim which is important, not whether or not the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.
- 2.9 Harassment may relate to:
- 2.9.1 age;
  - 2.9.2 disability (past or present);
  - 2.9.3 gender reassignment;
  - 2.9.4 race, colour, nationality, ethnic or national origins;
  - 2.9.5 religion or belief;
  - 2.9.6 sexual orientation;
  - 2.9.7 trade union membership (or non-membership);
  - 2.9.8 part time or fixed term status;

- 2.9.9 power or hierarchy; and
  - 2.9.10 willingness to challenge harassment (leading to victimisation).
- 2.10 The phrase 'relate to' is very wide and therefore covers:
- 2.10.1 harassment based on a perception of another person, for example that the person is gay, or is disabled, whether or not this perception is correct and even if the perpetrator knows that their perception is, in fact, wrong; and
  - 2.10.2 harassment that occurs because someone is associated with another person, for example, someone who is harassed because they care for a disabled person, or who is harassed because they are friends with a transsexual person, or a white worker who sees a black colleague being subjected to racially abusive language which also causes an offensive environment for her.
- 2.11 Whilst not an exhaustive list, forms of harassment include:
- 2.11.1 physical contact;
  - 2.11.2 'jokes' and 'banter';
  - 2.11.3 offensive language, shouting or behaving in an intimidating manner;
  - 2.11.4 gossip;
  - 2.11.5 slander;
  - 2.11.6 offensive, insensitive or sectarian songs or messages (including email);
  - 2.11.7 displaying posters or pictures, graffiti, emblems, flags;
  - 2.11.8 obscene or offensive gestures;
  - 2.11.9 offensive email and screen savers etc;
  - 2.11.10 isolation or non co-operation and exclusion;
  - 2.11.11 coercion for sexual favours or sexually suggestive remarks;
  - 2.11.12 pressure to participate in political/religious groups;

2.11.13 intrusion by pestering, spying and stalking;

2.11.14 continued requests for social activities after it has been made clear that such suggestions are not welcome; and

2.11.15 verbal, non-verbal or physical conduct of a sexual nature.

2.12 Harassment is unlawful in many cases and individuals may be held personally liable for their actions. In some cases their behaviour may also amount to a criminal offence.

### **3. BULLYING**

3.1 Bullying may be described 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 may be physical, verbal or non-verbal conduct.

3.2 Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. In our organisation, unacceptable behaviour includes (this is not an exhaustive list):

3.2.1 spreading malicious rumours, or insulting someone (particularly because of age, disability, gender reassignment, gender identity, pregnancy and maternity, race, religion or belief, sex, or sexual orientation);

3.2.2 copying memos that are critical about someone to others who do not need to know;

3.2.3 ridiculing or demeaning someone, picking on them or setting them up to fail;

3.2.4 deliberately excluding a person from communications or meetings without good reason;

3.2.5 unfair treatment;

3.2.6 overbearing or intimidating supervision or other misuse of power or position;

3.2.7 making threats or comments about job security without foundation;

3.2.8 deliberately undermining a competent worker by overloading and

constant criticism; and

3.2.9 preventing individuals progressing by intentionally blocking promotion or training opportunities.

3.3 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to a worker in the course of their employment will not, on their own, amount to bullying.

#### **4. HARASSMENT AND BULLYING PROCEDURE**

4.1 Due to the seriousness with which the Albyn Group views harassment and bullying, informal and formal reporting procedures have been introduced (which are separate from the Grievance Policy & Procedure) as a mechanism for dealing with complaints of harassment and/or bullying. However, employees may choose to use the Grievance Policy & Procedure as an alternative.

4.2 All allegations of harassment and/or bullying will be dealt with seriously, promptly and in confidence. Employees who feel they have been subject to harassment and/or bullying must not hesitate in using this procedure nor fear victimisation. Retaliation against an employee who brings a complaint of harassment and/or bullying is a serious disciplinary offence which may constitute gross misconduct and could result in dismissal.

4.3 The HR team will provide, in confidence, advice and assistance to employees subjected to harassment and/or bullying and assist in the resolution of any problems, whether through informal or formal means.

#### **5. INFORMAL PROCEDURE**

5.1 If an incident happens which you think may be harassment or bullying, you may prefer initially to attempt to resolve the problem informally, if you feel able to do so. In some cases it may be possible and sufficient to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends you or makes you uncomfortable and that it interferes with your work. You should make it clear that you want the behaviour to stop.

5.2 In circumstances where this is too difficult or embarrassing for you to do on your own, you could seek support from a friend at work or a member of the HR team. If the incident concerns a customer or other third party, you may wish to ask your manager to intervene for you on an informal basis.

5.3 If you are in any doubt as to whether an incident or series of incidents which have occurred constitute harassment and/or bullying, then in the first instance you should approach a member of the HR team on an informal confidential

basis. They will be able to advise you as to whether the complaint necessitates further action, in which case the matter will be dealt with formally/informally as appropriate.

- 5.4 If the conduct continues or if it is not appropriate to resolve the problem informally or you do not feel able to raise it informally, it should be raised through the following formal process.

## **6. FORMAL PROCEDURE**

- 6.1 Where informal methods fail or are not appropriate, or serious harassment and/or bullying occurs, you are advised to complain formally to the HR team or your line manager. If the matter concerns that person, you should refer your complaint to a member of the Leadership Team or Chief Operating Officer. If this is not suitable, then the Chief Executive Officer should be contacted. If none of these options are suitable, then the Chair's of the Staffing or Audit Committees may be approached, depending on the nature of the allegation.
- 6.2 Your written complaint should set out full details of the conduct in question, including the name of the perpetrator, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of an witnesses and any action that has been taken to attempt to stop it occurring.
- 6.3 Consideration will be given to keeping the complainant and the alleged perpetrator separated whilst they are at work, taking into account the views of the complainant. In serious cases the alleged perpetrator may be suspended in order for the complaint to be investigated.
- 6.4 You will be interviewed by appropriate colleague handling the complaint to establish full details of what happened. You may bring a fellow worker with you to this meeting if you choose. They will then carry out a thorough, independent, impartial and objective investigation as quickly as possible. Those carrying out the investigation will not be connected with the allegation in any way. An investigation will be carried out quickly, sensitively and with due respect for the rights of both you and the alleged perpetrator.
- 6.5 Where your complaint is about someone other than a fellow worker, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect you (and anyone else involved) pending the outcome of the investigation, bearing in mind the needs of our business and the rights of that person. We will try to discuss the matter with the third party where appropriate.
- 6.6 The investigation will involve interviews with the person against whom you are making the complaint and any other relevant witnesses. The alleged perpetrator will be given full details of the nature of the complaint and will be



given the opportunity to respond. The investigation may also need to examine relevant documents, including emails and other evidence.

- 6.7 The alleged harasser will have the right to be accompanied by a colleague or union representative at any interviews or disciplinary meetings only.
- 6.8 Strict confidentiality will be maintained throughout the investigation into the allegation. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.
- 6.9 When the investigation has been completed, you will be informed whether or not your allegation is considered to be well-founded.
- 6.10 If the allegation is well-founded, disciplinary action may be taken against the person alleged to have committed the behaviour you are complaining about and, depending on the circumstances and the seriousness of the complaint, may result in the dismissal of that person with or without notice.
- 6.11 If the allegation is found to be not well-founded, consideration may be given to whether it is necessary to transfer or reschedule the work of both or either party, in cases where it would not be appropriate for either of you to continue to work in close proximity to each other.
- 6.12 The Albyn Group takes these matters very seriously. However, malicious complaints of harassment and/or bullying can have a serious and detrimental effect upon a colleague and the workplace generally. Any unwarranted allegation of harassment and/or bullying made in bad faith may be dealt with via the Albyn Group's disciplinary policy. We are sure that all employees appreciate that this is necessary to protect the integrity of this policy.