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1. Introduction

Gillett Morrissey want to make work a positive experience for all. We want people to have fun, banter, joke with each other, engage in creativity and continue to want to do their job. To do that we need to ensure the working environment is free from harassment and bullying of any kind. **All** employees have the right to be treated with respect and dignity at work. We need to help people to develop skills which enhance their relationships with other people and encourage them to see what the world might be like from perspectives other than their own. The interpersonal skills of assertion, giving feedback, clarifying personal expectations and listening are the bedrock of equality. We want the line to be clear between 'having a laugh' and bullying. On that basis allegations of harassment and bullying will be taken seriously and will be dealt with in a confidential and prompt manner. Appropriate disciplinary action may be taken against any employee who carries out harassment and bullying, up to and including summary dismissal.

2. Who does this policy apply to?

The Harassment and Bullying Policy and Procedure applies to employees, managers, contractors, agency staff.. If the complainant or alleged harasser is not employed by GM e.g. if the workers' contract is with an agency, this policy will apply with any necessary modifications.

If GM has grounds to believe that an employee may have been bullying or harassing another employee or third party, whether GM premises or not and whether or not there has been a formal complaint, GM will instigate an investigation into the alleged bullying or harassment. Any employee who believes that another employee's conduct amounts to bullying or harassment has the absolute right to complain. Employees are encouraged to report any incidents of bullying and harassment that they experience or witness so the Authority can investigate and resolve the matter. GM will take any complaints seriously and an employee who makes a genuine complaint of bullying and harassment will be protected and will not be penalised or victimised in any way.

In a case where someone makes an unfounded allegation of bullying and harassment for malicious reasons, the case will be investigated and dealt with fairly and objectively under the disciplinary procedures.

3. What is bullying and harassment?

Harassment and bullying both involve behaviour which harms, intimidates, threatens, victimises, undermines, offends, degrades or humiliates.

Bullying

Bullying is repeated inappropriate, offensive, intimidating, malicious or insulting behaviour, direct or indirect, which hurts someone or undermines an individual's right to dignity.

Harassment and bullying can be face-to-face, or by written communications, including e-mail and visual material or phone and texts, images, websites (cyber bullying). It can be obvious or it may be subtle, making the receiver uncomfortable. What may be acceptable behaviour to some employees may be unacceptable to others

An abuse or misuse of power occurs when a more senior person uses means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment

Harassment is unwanted conduct which is related to one of the following: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Harassment is unlawful under the Equality Act 2010.

Harassment may be a single incident or a series of incidents.

The alleged harassment does not have to relate to the race, religion or sexual orientation or age of the individual who complains in order for it to be a valid basis of the claim to a tribunal. An employee could complain if they experience harassment on the grounds that they are related to or associate with someone in the above group or a colleague's mistaken perception that he/she is of a particular racial group, religion, sexual orientation or age etc

4. Why do we need this policy?

Harassment and bullying can have some very serious consequences for all the individuals involved, and for the organisation. Harassment and bullying can make people very unhappy and lead to other problems such as stress and in many cases loss of self esteem..

5. Employer's Responsibility

Employers are responsible for acts of harassment by their employees if it is not considered by the courts that the organisation has taken all reasonable steps to address and prevent the issues concerned.

Furthermore, employers are liable whether or not the acts of harassment were done with the employer's knowledge or approval. The fact that management did not know that harassment was occurring will therefore be no defence, and a lack of intention to offend will similarly not provide a route for the employer to escape liability.

6. Individual Responsibility

Over and above the employer's liability, individuals may also be liable if they were personally responsible for harassing the person who has complained. An employment tribunal has the authority to order one or more individual employees personally to pay compensation to the victim of harassment. Individuals can be ordered to pay unlimited compensation where discrimination based harassment has occurred, including the payment of compensation for injury to feelings. In addition to paying compensation, individuals can be prosecuted under criminal as well as civil law.

7. What do you do if you feel you are being bullied?

7.1 Firstly – seek advice

You can speak to someone on a strictly confidential basis about how you might deal with the problem informally. This might be:

Your line manager or supervisor, Any GM manager

7.2 Talk to the individual concerned (informal)

The bullying may not be deliberate. If you can, talk to the person in question, who may not realise how their behaviour has been affecting you.

Before you speak to them decide what you want to say

State what has been happening and why you object to it

Stay calm and be polite.

For both parties it is important to maintain confidentiality.

Keep a written record – write down details of incidents. If you speak to the individual, record when and where you have met and spoken. Write a summary of what was discussed and agreed.

7.3 Formal Complaint

If an informal approach is not appropriate or you have tried but are unable to solve the problem informally, you need to make a formal complaint. All complaints will be taken seriously.

1. To do this you need to detail the complaint in writing to your line manager or supervisor or, if preferred any member of management. This should be supported by notes of accusations and behaviours of the alleged harasser/bully with dates, times and witnesses (where possible). You should also state whether the act was unsolicited, unwelcome and unpleasant and whether the behaviour had a harmful effect on you and how.

3. An initial evaluation meeting will be held with a GM manager in receipt of the complaint who will investigate

4. If they decide that the case should proceed under the bullying and harassment procedures the following actions will be taken:

5. The manager will be asked to hold independent confidential meetings with the complainant and the employee accused of bullying or harassment

The person accused will be informed of the allegation(s) made against them.

In both instances the person being interviewed will be granted the right to be accompanied by a colleague or trade union official of their choice. It should be noted that the meeting at this stage does not constitute a disciplinary hearing, however the findings may lead to disciplinary action being taken.

If any witnesses have been identified, they will also have been interviewed separately and confidentially.

Details of the discussions that take place within each meeting will be recorded. (These details may be used as written evidence if the case goes to disciplinary).

6. The aim of this stage is to establish the facts. On completion, a written report will be produced containing the findings, and these will include perceptions of the complaint. If it is believed there are grounds for taking disciplinary action,

7. There is no need for absolute proof of the employee's "guilt" in order to proceed with disciplinary action. It will be based on a genuine and reasonable belief that incidents of bullying or harassment took place.

8. Where there is no evidence of harassment or bullying, a record of the investigation will be kept, in confidence, for 12 months.

9. Depending on the seriousness of behaviour, disciplinary action may range from the informal stage, first formal to summary dismissal. In cases of bullying and harassment, where a single incident that was based on a misunderstanding or a series of minor incidents where the person genuinely did not realise that they were causing offence, a sincere apology together with an undertaking not to repeat the offending behaviour may be appropriate.

10. Decisions on the course of action must be confirmed on all occasions by a GM director.

8. A Guide – How should a complaint be managed?

8.1 General Guidance

As a GM employee, if you see or hear anything that indicates that someone may be experiencing bullying or harassment at the hands of a colleague, you must intervene and take the necessary steps to put a stop to any behaviour that is liable to cause offence or distress. Nipping a potential problem in the bud is much better than doing nothing and creating a risk that the situation may escalate into a formal complaint.

GM Managers may wish to consider taking preventative measures in an informal way, perhaps by team briefings or discussions.

8.2 Individual Complaint

If an individual approaches you to discuss or comes forward to report an incident of bullying and/or harassment, it is vital that you take it seriously and tackle the matter promptly. Dealing with this type of complaint is not easy, but any delay in resolving the issue will make matters worse. You should always keep an open mind when looking into the substance of the individuals' complaint. If the person feels they are being bullied or harassed they will naturally be upset and may in some cases exaggerate and distort the facts, or play down the effect the situation is having on them.

It is important that you do not make judgements; you should encourage the individual to explain the facts and support them in making a decision as to how they wish to deal with it. Normally the best solution is for the issue to be resolved at the lowest informal level (depending on the nature of the harassment and/or bullying), which is between the individual and the person they are making the accusation against. You should seek advice from the Head of HR Service Delivery or their nominee to ensure consistency of approach.

8.3 Informal Action

If the person who feels they are being bullied decides that after speaking to you they wish to approach the person themselves, you should make note of the date and time the individual talked to you about the situation and write a summary of the points discussed and the agreed actions. Ensure that you follow up how the meeting went.

You may be asked by the individual to speak to the person on their behalf or accompany them. In this situation the approach as contact person should be by the way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal, low-key manner.

8.4 Formal Action

If the individual feels that the informal approach is inappropriate or after the informal approach the bullying/harassment persists, the following formal procedures should be invoked:

- i. The complainant should make a formal complaint in writing to their line manager, or if preferred, a member of management. The complaint should be confined to the precise details of actual incident of bullying.
- ii. Delivery in order that an evaluation of facts can be made and a determination made as to whether the case continues to be investigated under the bullying and harassment procedure, or if there is proper evidence to suggest that the case should be dealt with immediately
- iii. The alleged perpetrator(s) will be notified in writing that an allegation of bullying/harassment has been made against them or that they are being investigated under the Authority's disciplinary procedures and the reasons for this. They will be given a copy of the complainant's statement and advised that they will be afforded the opportunity to respond to the allegation(s). They will also be given the opportunity to have a work place representative with them at the meeting and be advised that the meeting may result in disciplinary procedures being taken.
- iv. The line manager will undertake evaluation meetings with all parties involved to establish the facts where appropriate, and make a written report to a GM Director to include recommendation
- v. Reports, statements and evidence provided in initial meetings will be used as part of any disciplinary investigation.

11. Examples of Harassment

Sex based harassment (The Equality Act)

Telling jokes about women or men

Making derogatory sexist remarks

Pointing out when a woman gets something wrong but not recognising that some men also get it wrong

Sexual harassment (The Equality Act)

The display of sexually explicit material on computer screens or calendars.

Leering at women or men in a manner where such conduct is not welcome

Remarks, banter or jokes of a sexual nature

Making sexual suggestions or persisting with sexual advances after it has been made clear that such approaches are unwelcome.

Gender reassignment harassment (The Equality Act)

Calling someone a nickname linked to the fact that he or she has undergone gender reassignment, for example 'gender bender'.

Inappropriate touching designed to check whether an individual has undergone reconstructive surgery

Leaving items specifically associated with the individual's old or new gender on his or her desk.

Racial harassment (The Equality Act)

Calling someone a nickname linked to his or her skin colour or Nationality i.e. Paddy or Taff unless this name is offered by the person

Remarks, banter, jokes about people from different racial backgrounds

Disability harassment (The Equality Act)

Using insulting terminology, when referring to a disabled colleague.
Excessive staring, for example, at someone with a facial disfigurement.
Mimicking a disabled colleague's mannerisms or speech.

Religious harassment (The Equality Act)

Remarks, banter or jokes about particular religious beliefs or religious practices
Derogatory remarks made about a particular item of clothing or jewellery worn by someone as a symbol of his or her religion.

Sexual orientation harassment (The Equality Act)

Deliberate isolation of someone on grounds of his or her sexuality or perceived sexuality
Deliberately behaving in an affected manner in the presence of someone who is gay

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Calling someone a nickname based on his or her sexuality or perceived sexuality.

Age harassment (The Equality Act)

Banter and jokes that make fun of older people or demean their abilities.
Calling someone a name linked to his or her age, for example 'daft old bat' or 'young whippersnapper'.
Ignoring someone, or treating his or her views as worthless, just because he or she is younger or older than other employees.

12. Guarding against offending others

General banter between individuals at work is expected and acceptable. However, employees must realise that their colleagues will have differing views and feelings, and differing levels of sensitivity about certain matters.

It is not for others to decide what should or should not offend another person; it is for individuals to get to know their colleagues' views and sensitivities before acting in a particular way or saying something that may cause offence. If you are not sure, then you should not take the chance. The basic rule should be that banter linked to sex, race, religion, sexual orientation or age should not be permitted.

Behaviour can amount to harassment even if it is not targeted at an individual. Harassment can take place by creating an atmosphere at work that causes offence to a particular employee, or creates an atmosphere that causes offence or makes them uncomfortable. For example, the circulation of sexually explicit material around the office, even though not targeted at a particular person, could constitute sexual harassment against any woman or man who finds it offensive. Don't make assumptions that it will be women who find sexually explicit material offensive, many men also have issues with these materials but fear ridicule if they speak.

Managers should make sure that they properly brief all their staff as to the type of conduct and speech that might cause offence to others, and make it clear that such behaviour will be unacceptable.

No individual employee can know everything about his or her colleague, for example, a white colleague may be married to a black person or to someone of a minority religion, or could have a brother who is gay or a daughter who is lesbian. Even without these connections many people nowadays find it offensive when others are insulted.

13. Examples of Bullying

Spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)

Copying memos or forwarding e-mails that are critical about someone to others, who do not need to know

Ridiculing or demeaning someone – picking on them or setting them up for a fall

Exclusion or victimisation

Unfair treatment

Overbearing supervision or other misuse of power or position

Making threats to job security without foundation
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Deliberately undermining a competent worker by overloading them with work or exposing them to constant criticism

Preventing individuals progressing by intentionally blocking promotion or training opportunities

Cyber Bullying - Cyber bullying is the term used when emails, phone and texts, images, using websites are used. This can be offensive when received by the person it relates to, or the person receiving the material, or both.

14. Useful Contacts

The Equalities and Human Rights Commission

www.equalityhumanrights.com

Helpline: 0845 604 6610

Acas

www.acas.org.uk

08457 47 47 47

The Government Equalities Office

www.equalities.gov.uk

Direct.Gov

www.direct.gov.uk

Employee Care – First Assist

Andrea Adams Trust

The Andrea Adams Trust is the world's only non-political, non-profit making charity operating as the focus for the diverse and complex problems caused by bullying behaviour in the workplace.

www.andreaadamstrust.org