

### Addressing bullying and/or harassment in the workplace

#### 1 Policy

The Students' Union is committed to providing our employees with a working environment free from all forms of harassment and bullying. The SU fully supports the right of all staff be treated with dignity and respect at work and will take appropriate steps to achieve this. As an employer the SU has a duty to protect staff from bullying and harassment by other employees, members of the public, employees of other organisations, Trustees, Committee members, participants etc. the SU will not tolerate any behaviour from other staff or contractors which threatens the health, safety or welfare of any of its employees.

The SU is committed to ensuring that all employees are treated with consideration, dignity and respect regardless of their sex, race, age, disability, sexual orientation, colour, marital or civil partnership status, religion or belief, ethnic or national origin, trade union membership, gender reassignment or whether they are pregnant or on maternity leave or not.

The SU's policy aims to support any employee who may have been affected by harassment or bullying to address these issues raised.

The SU will treat seriously and confidentially any allegations of harassment or bullying. Further, the SU will not tolerate the victimisation of any employee who makes a complaint under this policy, or of any employee who assists or supports a colleague in making a complaint.

The SU requires that all employees accept their individual and joint responsibilities in this matter and that they perform their duties in accordance with this policy. Employees are responsible for reporting any incidents of bullying or harassment which directly or indirectly come to their attention.

Disciplinary action may be taken against any employee who is found to be in breach of this policy. Definitions of bullying and harassment can be found in Appendix 1.

#### 2 Scope

The SU recognises that this policy has a wider application than the employees of the SU. People who we work with and people who come onto our premises are expected to conform to the standards of behaviour set by us. This includes: members and supporters, members of the public, employees from other organisations, individuals on work experience placements, Freelance contractors and suppliers. The SU will require that organisations with which it has service agreements to have operational policies in place that are congruent with the principles or procedures in this document.

The SU managers are expected to take such actions as may be appropriate to incorporate the principles of this policy into the SU's working and contractual arrangements.

#### 3 Responsibility for action

Because of the impact such behaviour can have both on the individual and the organization, it is important that managers act swiftly to deal with any complaints of harassment or bullying.

### **3.1 Line Manager's Responsibility**

It is the line manager's responsibility to ensure appropriate performance management (induction, probation, managing workloads and TOIL, supervision, and appraisals) and to foster a climate that discourages the occurrence of harassment or bullying. Where a line manager becomes aware of breaches of this policy or finds evidence of unacceptable behaviour, they must take immediate action, whether or not a formal complaint has been received.

Line managers, in conjunction with the CEO, must ensure that all incidents are dealt with promptly and fairly, in strict confidence up the line of management. Harassment or bullying cases can be complex. Managers can seek support from the CEO and, where agreed, may involve an external expert.

### **3.2 Employee's Responsibility**

Individual employees also have a role to play by:

- Helping to create a climate of co-operation which discourages harassment/bullying.
- Making it clear that they find such behaviour unacceptable.
- Supporting colleagues – this may include challenging the harasser/ bully at the time of the incident, offering support in any other way and co-operating in any investigations.
- Ensuring no victimisation of complainants occurs.

Staff who are subjected to bullying or harassment are often vulnerable and may be reluctant or afraid to complain. Generally they want the unacceptable behaviour to stop and may suffer in silence rather than have attention focused on them or risk some form of reprisal. This means that all staff must be alert to the impact of their behaviour on others and be prepared to listen and respond if someone asks them to alter their behaviour because it is offensive in some way.

## **4 Handling complaints of bullying or harassment**

The SU will not tolerate any form of bullying or harassment and will investigate all complaints, whether the alleged harasser is an employee or outside contractor, Trustee, or supporter. The SU will ensure that all complaints will be treated sensitively, thoroughly and in a timely manner. Any person employed by the SU who considers that they have been subject to bullying or harassment by an employee of the SU or a member of the public or someone else they have come into contact with through work, is encouraged to report it through using this procedure.

If a complaint of bullying or harassment is received from a member of another employing organisation naming an employee of the SU, the SU will co-operate with the investigation that may be conducted by that organisation and will also conduct its own investigation into the matter.

Complaints will be dealt with quickly, sensitively and in confidence (but may be shared with senior management and with HR to ensure that effective action is taken). The matter will be taken seriously, and the complainant will be informed of progress and any proposed course of action.

## **5 Procedures**

### **5.1 Informal Procedure**

In some instances, it may be enough for the employee who has been subject to harassment or bullying to raise their concerns directly with the person concerned. Individuals may be unaware that their behaviour or actions are unacceptable or intimidating and bringing these

issues to their attention may be sufficient to stop inappropriate behaviour. Employees who feel able to approach the person concerned directly are encouraged to do so and to keep a record of what they have said or done. Whilst this stage is discretionary and informal an employee may wish a colleague to accompany them at the meeting.

#### **Employee action - informal approach**

- Keep a record of the incidents – write down what has happened, when and where and who witnessed it.
- Just say something – clearly state that their behaviour is unacceptable and offensive in some way. (If you feel you can).
- Talk to someone who may be able to help a work colleague or trade union representative.
- If you are feeling upset or just want to talk to someone outside the organisation please contact ACAS who can advise you about your legal rights.

#### **Employees action - moving to the formal**

If you don't feel comfortable raising concerns directly with the person in question, or if informal methods do not resolve the problem, please move to a more formal complaint.

- Please approach your line manager who will discuss a course of action with you.
- If your manager is the bully or harasser, speak to their manager.
- The SU will then move to using the procedure outlined in the Grievance procedure.

Managers who are advised of complaints of bullying or harassment should make a record of the fact and inform the CEO immediately. Where appropriate, coaching, training or support will be provided to enable employees whose behaviour is causing a problem to revise their behaviour and/or actions.

#### **5.2 Formal Complaints Procedure ([Link to Grievance procedure](#))**

Every effort will be made to deal with the complaint as speedily as possible, but it should be recognised that some cases may take time to investigate. Specified time limits may be extended with the agreement of the SU and the person making the complaint.

The complaint should be raised in writing. Where the immediate line manager is the alleged perpetrator, the matter should be raised with the line manager's line manager. Now go to the Grievance procedure and follow the steps from section 8.

#### **5.3 Malicious Complaints**

If an investigation finds that a complaint has been submitted with malicious intent the matter will be dealt with under the disciplinary procedure. Such cases may be considered to be gross misconduct.

### **6 Information & training**

The SU will aim to inform and raise the awareness of employees, volunteers and Trustees in matters relating to this policy and procedure and its implementation.

The policy and procedure will be communicated to all by:

- The induction process for all new employees
- Briefing employees on the implementation of the new policy and procedure
- Making employees aware of the support they can expect and their right to challenge inappropriate behaviour
- The use of the code of conduct

## APPENDIX 1 DEFINITION OF BULLYING AND HARASSMENT

### What is Bullying?

Bullying is defined as 'Repeated offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse or misuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer distress.'

Whilst it is not possible to list all forms of bullying, it is intended that the following examples should enable both employees and managers to identify incidents of bullying behaviour:

- derogatory remarks
- insulting or aggressive behaviour
- insensitive jokes or pranks
- ignoring or excluding an individual
- persistently setting unrealistic work deadlines
- constant and persistent public and private criticism
- substituting responsible tasks with menial or trivial ones
- constantly undervaluing effort
- withholding necessary information
- shouting at employees to get things done
- repeated shouting or swearing
- spreading malicious rumours
- refusing to delegate
- knowingly destroying a relationship between other people
- deliberately impeding work performance
- overtly praising people causing other individuals or groups to feel belittled
- physical attacks

### What bullying is not

Line managers are responsible for ensuring that the staff who report to them perform to an acceptable standard. Bullying does not therefore include legitimate, justifiable, appropriately conducted constructive feedback of your behaviour or job performance.

### What is Harassment?

#### Harassment

Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual".

Legally, harassment applies to all protected characteristics under the Equality Act except for pregnancy and maternity and marriage and civil partnership. Employees can complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Harassment can be persistent or be an isolated incident, and can occur at an individual or organisational level. At an individual level, individuals or groups may be harassed by a colleague(s), managers, service users, and harassment can occur between people of the same sex or the opposite sex. At an organisational level harassment can occur when the

policies, procedures and criteria for decision-making have the effect of discriminating against people.

When assessing whether harassment has taken place, the main question to consider is whether the individual has been treated in a detrimental way on improper grounds. It can result in the recipient feeling threatened, humiliated or patronised; it can create an intimidating working environment, interfere with job performance, undermine job security, and cause avoidable demoralization and absence.

The following are some examples of behaviour/activities that might constitute harassment:

- unwanted and/or deliberate physical conduct/contact, or gestures which are of a sexual nature (i.e. touching, standing too close, leering, coercing sexual intercourse, abuse or assault).
- display, distribution or transmission of written materials or images of a sexually or racially offensive nature and cause offence (i.e. sexually suggestive or pornographic pictures, writing, suggestive or offensive pictures, images, insignia, objects, videos, books, e-mails, internet pages).
- the use of demeaning or degrading language (i.e. embarrassing remarks, innuendoes, lewd comments, sexual, racial or cultural jokes, derogatory name-calling, jibes or abusive, threatening or insulting words).
- speculation about a person's private life and sexual activities.
- requests for sexual favours, including threat of dismissal, loss of promotion if requests are not met.
- intimidation of an individual (i.e. exclusion from conversations, isolation, unjustified supervision).
- frequently asking for comments on racial, religious or disability issues from an individual who is a member of a religious or racial group or has a disability.

### **Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so.

Victimisation may occur in other circumstances such as when an employee raises a grievance or seeks to assert a statutory right. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.