

CBRL ANTI-HARASSMENT AND BULLYING POLICY

Introduction

This policy applies to all trustees, employees, contractors, and anyone working pro bono for CBRL.

We are committed to having a workplace which is free from harassment and bullying and to ensure that all that work for or with CBRL, are treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability. Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is central to ensuring equal opportunities in employment.

This policy is intended to support this commitment in practice and to provide guidance on how to deal with concerns of bullying or harassment.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

Policy

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What is Harassment?

- Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
- It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);

- offensive e-mails, text messages or social media content;
- mocking, mimicking or belittling a person's disability.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

What is Bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined, or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal, and non-verbal conduct. Bullying may include, by way of example:

- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate derogatory remarks about someone's performance;

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

CBRL will not tolerate bullying or harassment in the workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We will take appropriate action if any of our employees or contractors are bullied or harassed by our stakeholders or suppliers.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, we decide that an employee has harassed or bullied another employee or contractor, then the employee may be subject to disciplinary action, up to and including dismissal.

Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result. False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All employees must, therefore, treat their colleagues with respect and appropriate sensitivity.

Bullying does not include appropriate criticism of an employee's behaviour or proper performance management.

Reporting Concerns

What you should do if you witness an incident you believe to be harassment or bullying: If you witness such behaviour, you should report the incident in confidence to your line manager in the first instance. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you feel you are being bullied or harassed by a stakeholder or supplier (as opposed to a colleague or someone working for CBRL): If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your line manager or CBRL Director. We will then decide how best to deal with the situation, in consultation with you.

What you should do if you are being bullied or harassed by a colleague: If you are being bullied or harassed by another employee, trustee or contractor there are two possible avenues for you, informal or formal.

Informal Resolution

If you are being bullied or harassed by another employee, trustee, contractor, or anyone working pro bono for CBRL, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask your line manager or a colleague to explain this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own line manager, you should raise the issue with the CBRL Director.

If you are being bullied by the CBRL Director, you should raise the issue with:

- Chair of the Trustees: John Shakeshaft jshakeshaft@cbrl.ac.uk;
- CBRL's Honorary Secretary and Trustee Safeguarding Lead: Tom Thomson tthomson@cbrl.ac.uk.

They will discuss with you the option of trying to resolve the situation informally by:

- Their telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a fellow employee;
- That such behaviour is contrary to our policy;
- That the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible for them to have this conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

In certain circumstances it may be possible to involve a neutral third party (a mediator) to facilitate a resolution of the problem. They will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of sexual or racial harassment or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a Formal Complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about the harassment or bullying to your manager or CBRL Director (or if it concerns the CBRL Director, to the Honorary Secretary and Trustee Safeguarding Lead. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s).

We will first investigate the complaint. You will need to co-operate with the investigation and provide the following details (if not already provided):

- the name of the alleged perpetrator(s);
- the nature of the harassment or bullying;
- the dates and times the harassment or bullying occurred;
- the names of any witnesses; and
- any action taken by you to resolve the matter informally.

In most instances, the alleged perpetrator(s) would need to be told your name and the details of your complaint for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you whilst the matter is being investigated.

After the investigation, we will meet with you to consider the complaint and the findings of the investigation. At the meeting, you may be accompanied by a colleague or a trade union official.

After the meeting (and normally within five working days), we will write to you to inform you of our decision and to notify you of your right to appeal to a more senior manager if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with our decision. You should submit your appeal within five working days of receiving written confirmation of our decision. If you submit an appeal, you will be invited to attend a meeting to consider it. Once again you may be accompanied by a colleague or a trade union official. We will write to you afterwards to confirm our final decision.

Disclosure and Confidentiality

We will treat personal data collected during this process in accordance with the data protection policy. Information about how employees' data is used and the basis for processing data is provided in the employee privacy notice.

Use of the Disciplinary Procedure

Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. Any employee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.