**SAMPLE**

*(Company name and logo)*

**Before adopting this policy or a version of it, companies should take appropriate professional advice to ensure that their legal and other obligations will be met.**

**Bullying and Harassment Policy**

**1.0 What is harassment and bullying?**

1.1 Harassment is unwanted conduct which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment, and in the perception of the recipient of the conduct, it should reasonably be considered as having that purpose or effect.

1.2 Bullying is the exercise of power over another person through negative acts or behaviours that undermine him/ her personally and/ or professionally. Power encompasses personal strength, or power to coerce others through fear or intimidation, which is not always synonymous with status. Bullying can be threatening, insulting, abusive, disparaging or intimidating behaviour which places inappropriate pressure on the recipient or has the effect of isolating or excluding them. Bullying can take the form of shouting, sarcasm, derogatory remarks concerning job performance or constant criticism.

1.3 Harassment and bullying can take a variety of different forms ranging from repeatedly ignoring a colleague or subjecting them to unwelcome attention, to intimidation, humiliation, ridicule or offence. More extreme forms of harassment and bullying include physical threats or violence. Harassment and bullying may consist of a single incident or a series of incidents. Behaviour that may appear trivial as a single incident, can constitute harassment or bullying when repeated. Harassment and bullying behaviour may not always be intentional, but is always unacceptable, whether intentional or not.

1.4 Although the terms 'harassment' and 'bullying' are not synonymous, the guidance in this policy document relates to both issues and the term 'harassment' will be used from this point onwards to encompass both.

1.5 It is not always necessary for operatives to be in the same room for harassment to take place. The potential for harassment or bullying by telephone now includes 'cyber-bullying' by emails, text messages and material posted on web sites, including personal blogs or social networking sites.

Some of the most prevalent forms of harassment and bullying include the following:

1.5.1 Sexual harassment can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, the display or distribution of sexually explicit material, unwelcome sexual advances or physical contact, demands for sexual favours or assault.

1.5.2 Racial harassment is usually, although not exclusively, directed at people from ethnic minorities. It may include jokes about, or gratuitous references to, a person's colour, race, religion or nationality. It can also include offensive remarks about dress, culture or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/ or prejudice towards individuals or particular groups.

1.5.3 Harassment of disabled people can take the form of individuals being ignored, disparaged or ridiculed because of mistaken assumptions about their capabilities. Their impairment/ disability rather than their ability can become the focus of attention and harassment can include inappropriate personal remarks, jokes or inappropriate reference to an individual's appearance.

1.5.4 Harassment on the grounds of a person's sexual orientation may be aimed at heterosexual people but is more usually experienced by homosexual or bisexual men and women. Examples of harassment relating to sexual orientation are homophobic or biphobic remarks or jokes, offensive comments relating to a person's sexual orientation, threats to disclose a person's sexual orientation to others or offensive behaviour/ abuse relating to HIV or AIDS status.

1.5.5 Harassment on the grounds of gender identity may be aimed at transgender people, or people who have undergone, are undergoing, or intend to undergo gender re-assignment. It is recognised that this is a separate issue unrelated to sexual orientation.

1.5.6 The above list of examples is not exclusive, and harassment can also take place on the grounds of a person's age, religion or any other characteristic that makes them different from the majority or from the person who harasses or bullies them.

**2.0 Our Policy**

2.1 We are committed to providing a safe and healthy working environment and adopting a zero tolerance policy in respect of harassment or bullying. Our aim is to ensure a working environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to complain about such behaviour, confident that their concerns will be dealt with appropriately and fairly.

2.2 We are committed to equal opportunity and will not tolerate harassment on the grounds of race, sex, disability, sexual orientation, gender reassignment, religion or belief, age, pregnancy or maternity, marital or civil partnership status, or harassment on any other grounds.

2.3 Allegations of harassment and bullying will be treated very seriously and could result in disciplinary action being taken against the perpetrator. We will ensure that any member of staff raising a concern under this policy is not victimised as a result of their complaint.

2.4 We expect our managers to take immediate action if harassment and/ or bullying is suspected or identified, whether or not a complaint has been made. Allegations of harassment and bullying received either formally or informally through this policy will be taken seriously and dealt with promptly and sensitively.

2.5 We expect our managers to tackle issues of poor performance, and therefore harassment and bullying is to be distinguished from a manager legitimately and appropriately invoking approved performance management or disciplinary.

**3.0 Our Procedures**

General principles

3.1 The overriding principles in dealing with allegations or concerns of harassment are that they must be taken seriously, considered carefully and addressed speedily and, where possible, in confidence.

3.2 An operative who feels that he/ she is the subject of harassment (either by a colleague, or anyone else whom they come into contact with in the course of their work) may wish to make a note of incidents, dates, times and any witnesses, for future reference. Any person who considers themselves to have been the subject of harassment has the right to be listened to and to be given informed advice on how the matter may be resolved. There are a number of options. Anyone who feels they have been harassed is likely to wish to speak to someone with whom they feel they share something in common.

3.3 Should harassment occur in a group situation, the person in authority within the group has the responsibility to recognise harassment when it occurs and to take speedy action to stop it. It is important that it is made clear to the perpetrator that such behaviour is unacceptable and will not be tolerated. Silence or inaction can be seen as collusion and endorsement of such behaviour. If the person in authority is the harasser, others within the group should support the individual being harassed in taking action to report the harassment.

How will allegations of harassment be dealt with?

3.4 In the event that operatives feel that they are experiencing harassment, they have a number of options open to them. They may be able to speak directly to the individual concerned, or to write to him/ her expressing their concerns and requesting that the harassing behaviour stop immediately. Alternatively, (or subsequently if they achieve no success) they may wish to talk to someone in order to obtain another perspective on the situation and to ensure that someone else knows about it and can take action with them to ensure that it stops. A final option is to make a formal complaint.

3.5 Operatives wishing to seek advice or discuss concerns about harassment may approach their line manager or another manager or may wish to seek either informal or formal advice from their trade union representative.

3.6 Anyone approached by a member of staff who wishes to discuss the matter informally should:

* find a quiet place to discuss the issue confidentially and without interruption
* listen carefully to what they are being told and ensure that they understand all of the facts
* when they are sure they understand and if they feel confident to do so, they should discuss the options open to the individual

3.7 Confidentiality is very important in dealing with cases of alleged harassment as experience shows that they will be much more difficult to resolve informally if information about the matter becomes common knowledge. Anyone approaching a manager may however wish to be accompanied by a colleague.

3.8 If after having been approached the manager does not feel able to advise in a particular case, they should explain the reasons to the person who has approached them and assist them in getting additional help and advice.

3.9 Having heard the facts about the incident and the context of the action or behaviour that caused concern, there are a number of informal options available to the individual to resolve the matter. For example the person who has experienced harassment could talk to the individual on his/ her own, or with a colleague accompanying him/ her. The purpose of the conversation would be to make the respondent aware of the way his/ her behaviour has been perceived and ask him/ her not to repeat it. Alternatively, the manager could facilitate a meeting between both parties to give the complainant the opportunity to talk to the respondent and explain his/ her view of the offending behaviour.

3.10 In some cases, both parties may wish to refer themselves for mediation.

3.11 The action outlined above will be appropriate in many cases and will often be sufficient to resolve the matter. Where it is possible to resolve the matter by informal means, every effort should be made to do so and as swiftly as possible. A formal complaint should only be submitted as a 'final option', where the informal approach has not achieved satisfactory results, or in exceptional circumstances where the nature of the incident(s) warrants a more formal approach.

3.12 If an informal approach has failed or is inappropriate, a formal complaint can be made in writing.

3.13 A formal complaint must be registered in writing as soon as possible. A formal complaint should include:

* a description of the complaint, with reference to dates, times and places
* details of any unsuccessful efforts to resolve the matter
* the names of any witnesses to the incident(s)

**4.0 Investigating a Formal Complaint**

4.1 It is important to safeguard confidentiality that none of the parties to the complaint should discuss it with others.

4.2 The respondent can seek support from their Trade Union or other support programme.

4.3 A complaint of harassment may involve matters that are distressing or personal and which the complainant may find difficult to discuss in detail. Meeting(s) must therefore be conducted with the utmost sensitivity. A written record of any meeting(s) should be made, which may be presented as evidence to any subsequent disciplinary hearing.

4.4 The role of the investigator will be to interview the complainant, the respondent and any other relevant people such as named witnesses and to produce a report of its investigation outlining any proposals for action. In the event that there has been action which could be perceived as retaliation, or victimisation since the complaint was made, this will need to be considered.

4.5 Where a formal complaint is upheld, action will be taken in all cases irrespective of the seniority or status of the respondent. The outcome of any investigation will be conveyed in writing and will explain any actions resulting from it. Where appropriate, training and/ or counselling will be offered to the offender to assist him/ her in understanding how to avoid repeating the offending behaviour. Counselling may also be offered to the complainant.

4.6 Where an allegation is of a serious nature amounting to gross misconduct, immediate action may be taken, which may include suspension of the respondent from work or dismissal.

4.7 If either the complainant or the respondent feel that a formal investigation of a harassment complaint involving them has not been dealt with to their satisfaction, they may raise their concerns [*insert company appeal procedure*].

4.8 Where a complaint of harassment and bullying has been upheld and disciplinary action is taken against the respondent, the manager should monitor the situation, to make sure there is no repeat in the offending behaviour and/ or victimisation and/or lack of management, or support for the former complainant.

4.9 Following a finding of harassment or bullying any repeat behaviour of this type will result in dismissal.

**5.0 Monitoring of the Policy**

5.1 This policy will be kept under periodic review.