

Policy statement on bullying and harassment

1. Our Commitment

- 1.1 We are committed to ensuring that all our learners are treated with dignity and respect and treat others in the same way. We believe that all learners have the right to work in an environment which is free from any form of harassment and/or bullying.
- 1.2 All learners are required to read this policy and to ensure that they understand what types of behaviour are unacceptable.
- 1.3 This policy does not form part of any learners contract of training. We may amend it at any time and decide to follow a different procedure where we consider it appropriate.

2. Harassment

- 2.1 The harassment of any learners 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 involves subjecting an individual to conduct which is unwanted and where the conduct has the purpose or effect of violating the victim's dignity, or creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim.
- 2.3 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.
- 2.4 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.
- 2.5 Harassment may relate to:
 - 2.5.1 age;
 - 2.5.2 disability (past or present);
 - 2.5.3 gender reassignment;
 - 2.5.4 race, colour, nationality, ethnic or national origins;
 - 2.5.5 religion or belief;
 - 2.5.6 sexual orientation;
 - 2.5.7 trade union membership (or non-membership);
 - 2.5.8 part time or fixed term status; and
 - 2.5.9 willingness to challenge harassment (leading to victimisation).
- 2.6 The phrase 'relate to' is very wide and therefore covers 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 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).

- 2.7 Whilst not an exhaustive list, forms of harassment include:
- 2.7.1 physical contact and obscene or offensive gestures;
 - 2.7.2 ‘jokes’, ‘banter’, gossip, slander, offensive language, shouting and/or behaving in an intimidating manner;
 - 2.7.3 offensive, insensitive or sectarian songs or messages (including email);
 - 2.7.4 displaying posters or pictures, graffiti, emblems, flags, offensive email and screen savers etc;
 - 2.7.5 isolation or non co-operation and exclusion;
 - 2.7.6 coercion for sexual favours and sexually suggestive remarks;
 - 2.7.7 pressure to participate in political/religious groups;
 - 2.7.8 intrusion by pestering, spying and stalking; and
 - 2.7.9 continued requests for social activities after it has been made clear that such suggestions are not welcome and verbal, non-verbal or physical conduct of a sexual nature.
- 2.8 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, 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, ridiculing or demeaning someone, picking on them or setting them up to fail;
 - 3.2.3 unfair treatment, deliberately excluding a person from communications or meetings without good reason, overbearing or intimidating supervision and/or other misuse of power or position;
 - 3.2.4 making threats or comments about job security without foundation; and
 - 3.2.5 deliberately undermining a competent worker by constant criticism.
- 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 All allegations of harassment and/or bullying will be dealt with seriously, promptly and, as far as possible, in confidence. Learners who feel they have been subject to

harassment and/or bullying must not hesitate to raise their concerns in accordance with our grievance procedure.