

# National Back Exchange

## Bullying & Harassment Policy



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## 1. Purpose

National Back Exchange (NBE) is committed to creating an environment for all staff and volunteer members that is free of harassment, intimidation and other forms of bullying, where everyone is treated with dignity, respect and professional courtesy. Underpinning this commitment is NBE's culture that supports positive behaviours that include the following:

- Respecting and valuing difference
- Making full use of skills and abilities
- Open and constructive communications
- The effective resolution of conflict
- Fair and just application of procedures
- Educating employees at all levels in the development of positive behaviours.

Harassment and bullying can have very serious consequences for individuals and the NBE. Harassment or bullying may make people unhappy, may cause them stress and may affect their health and family and social relationships. It may also affect their performance and could cause them to leave their role in the organisation. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on the NBE can include loss of morale, poor performance, and increased turnover of Executive volunteer members, legal claims and damage to the organisations reputation. Individuals found guilty of harassment or bullying may face disciplinary penalties, up to and including removal from the organisation, could be personally liable to pay compensation in legal claims and may find their own family and social relationships are adversely affected by their behaviour. Serious harassment may be a criminal offence.

NBE is therefore committed to identifying and, wherever possible, eliminating such behaviour. Where staff and Executive volunteer members are confident that they will be treated with dignity, professional courtesy and respect, there is an enriching effect on the quality of life for all concerned that cannot be overemphasised. As well as the personal benefit to the individuals, NBE's reputation as a desirable place is enhanced, which can lead to higher levels of morale and satisfaction.

## 2. Scope

This policy covers bullying and harassment of and by employees, contractors, executive volunteer members and anyone else engaged in work for the organisation, whether by direct contract or otherwise. If the complainant or alleged harasser is not performing duties for NBE, e.g. if the individual is with another organisation, this policy will apply with any necessary modifications. For example, as NBE could not dismiss the individual, because there is no contractual relationship with them, it would instead require the agency to remove the worker, if appropriate, following an investigation.

The policy covers bullying and harassment and in any setting in relation to NBE business.

The policy does not cover bullying or harassment by third parties such as customers, suppliers, vendors or visitors and, in these cases, individuals should report any such behaviour to the Executive Chairperson or Nominated Executive Officer who will take

appropriate action following discussion with the Executive committee and related parties. It should be noted that the Equality Act 2010 now considers an individual potentially liable for the harassment of individuals by third parties who are not linked to NBE, such as those outlined above. NBE could potentially be liable when such harassment has occurred and in situations where the organisation is aware that the harassment has taken place and no attempt to take reasonable steps to prevent any repeat occurrence has been made. Any action taken should be discussed with the Executive Chairperson or Nominated Executive Officer in the first instance. Bullying or harassment of members, suppliers, vendors or visitors or others by executive volunteer members or staff will be dealt with through the disciplinary procedure.

### **3. Responsibility**

The Executive committee have responsibility for ensuring equal opportunities throughout NBE. However, all executive officers are responsible for ensuring that bullying and/or harassment is not tolerated.

The Executive Chairperson or Nominated Executive Officer is responsible for ensuring that these requirements are publicised and that the appropriate procedures to address harassment are in place.

Executive Officers have a responsibility to take all complaints of bullying and/or harassment seriously and to ensure that individuals are encouraged to read and understand this policy.

Every member of staff and Executive Officer has a responsibility to ensure colleagues are treated with dignity and respect. All individuals are responsible for their own actions and are required to read and understand this policy. For the policy to be a success, individuals must be aware of its contents and the consequences of not acting in accordance with it. Further information and guidance regarding equal opportunities can be found on the NBE website.

Individuals should contact the Executive Chairperson or Vice Chairperson if they would like to discuss this matter further.

### **4. Legislative Framework**

NBE has a legal duty to create an environment that is free from harassment and unlawful discrimination. This ensures that everyone is treated with dignity and respect. In some situations, the organisation may be responsible for the action of individuals towards one another and towards third parties.

The most relevant pieces of legislation related to harassment and/or bullying are:

- The Health & Safety at Work Act 1974;
- The Protection from Harassment Act 1997;
- The Sex Discrimination Act 1975;
- The Race Relations Act 1987 and Amendment Act 2000;
- The Disability Discrimination Act 1995;

- The Human Rights Act 1998;
- The Employment Equality (Religion and Belief) Regulations 2003;
- The Employment Equality (Sexual Orientation) Regulations 2003; and
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2010

The Sex Discrimination Act, Race Relations Act, Disability Discrimination Act and the various Employment Equality Regulations have now been replaced by the Equality Act 2010 with the exception of historic issues that may have been ongoing since before 1 October 2010.

Under the Protection from Harassment Act 1997 it is an offence to pursue a course of conduct that amounts to harassment of another person.

Individuals could be personally liable in law if they harass anyone within the Executive Committee or workplace.

## 5. What is Bullying & Harassment?

**Bullying** is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power that is meant to undermine, degrade, offend, humiliate or injure the person on the receiving end of the behaviour.

**Harassment** is unwanted conduct related to sex, gender reassignment, race or ethnic or national origins, disability, sexual orientation, religion or belief, age or any other personal characteristic which:

Has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or

Is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if the person responsible for the conduct did not intend this effect.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a 'joke' may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. Behaviour which any reasonable person would realise is likely to offend will be harassment even if this is a first or one-off event where the recipient has not had chance to make it clear, in advance, that behaviour of that type is not acceptable to him or her, e.g. sexual touching, physical assault, an abusive outburst. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain 'banter', flirting or asking someone for a private drink at work. In these cases, first-time conduct which unintentionally causes offence is unlikely to be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence that will be dealt with in accordance with the organisations Disciplinary Procedure. Bullying or harassment will often be gross misconduct that can lead to dismissal without notice from NBE.

Some bullying or harassment will constitute unlawful discrimination, e.g. if it relates to a person's sex, gender reassignment, race, religion or belief, sexual orientation, age or disability. Serious bullying or harassment may amount to other civil or criminal offences, e.g. civil or criminal offences under the Protection from Harassment Act 1996 and criminal offences of assault.

## **6. Examples of Bullying and Harassment**

Bullying and harassment may be misconduct which is physical, verbal or non-verbal, e.g. by letter, mobile phone, text or e-mail (so called 'flame mail').

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to) the following:

- Physical conduct ranging from unwelcome touching to serious assault;
- Unwelcome sexual advances;
- The offer of rewards for going along with sexual advances, e.g. promotion, access to training, etc.
- Threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advances, assigned work, or any other condition of employment or career development;
- Demeaning comments about a person's appearance;
- Unwelcome jokes or comments of a sexual, religious or racial nature or about an individual's age, sexual orientation, disability or gender reassignment;
- Posting material on websites or sending e-mails or text messages that are considered to be abusive, harassing or defamatory to NBE and/or its staff.
- Unwanted nicknames related to a person's age, race, sex, religion or belief, gender reassignment, sexual orientation or disability;
- The use of obscene gestures;
- The open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, pornography, calendars or pin-ups, etc.
- Spreading malicious rumours or insulting someone;
- Picking on someone or setting him or her up to fail, for example, deliberately undermining a competent worker by overloading them with work, requiring them to meet unrealistic deadlines and constant criticism;
- Making threats or inappropriate comments about someone's job security;
- Ridiculing someone;

- Using inappropriate automatic supervision methods, such as computer recording or the recording of telephone conversations or meetings – without prior agreement;
- Speaking to someone as if they are a ‘child’ or as if they have below average intelligence rather than speaking to them as if they are a ‘reasonable adult’;
- Forcing one’s own beliefs onto others or actively promoting a religion or belief in the workplace;
- Isolation or non-cooperation at work;
- Excluding someone from social activities. In addition, NBE recognises that we live in a tolerant society and therefore some people may have differing belief systems which may not be palatable to everyone. Discrimination, victimisation or harassment on the grounds of religious or philosophical belief systems will not be tolerated by the organisation. However, by the same token, behaviour because of religious or philosophical beliefs, which causes distress, victimisation or harassment to another, will similarly not be tolerated. Either of these could result in disciplinary action up to and including removal from NBE.

## **7. What is Victimisation?**

Victimisation is treating someone unfavourably because he or she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him or her (or someone else), or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he or she has made a complaint or giving him or her inappropriate work. It would also apply if a person was treated unfavourably because they had complained that they had been subjected to any unlawful discrimination or other breach of their human rights.

Provided that an individual acts in good faith, i.e. they genuinely believe that what he/she is saying is true, an individual has a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and NBE will take appropriate action to deal with any alleged victimisation, which may include disciplinary action up to and including removal from NBE against anyone found to have victimised them.

Making a complaint that an individual knows to be untrue, or giving evidence which you know to be untrue, may lead to disciplinary action being taken against that person also up to and including removal from NBE.

## **8. What should you do if you think you are being Bullied or Harassed?**

You may wish to discuss your situation with the Executive Chairperson or Nominated Executive Officer. This does not preclude individuals from discussing these matters with a Trade Union Representative or any other source of support.

Whatever you say to them will be treated in the strictest confidence and they will maintain confidentiality to the maximum extent possible. However, understandably, there may be exceptional situations where confidentiality has to be broken and, if this is the case, this will be made clear to you. For example, if something constitutes an unacceptable risk to you, another person or the organisation itself, then the Executive Chairperson or Nominated Executive Officer may be forced to take appropriate action. The decision as to whether a

complaint should be progressed normally rests with you. However, action may have to be taken against your wishes to address an unacceptable risk.

The Executive Chairperson or Nominated Executive Officer will be required to provide basic details of the incidents discussed and the advice given to the Executive Committee, on a regular basis for statistical analysis, and for the development of the service. These records will be maintained securely by the National Back Exchange Administration Office.

## **9. Options Available to Deal with Bullying and Harassment**

You may choose to deal with Bullying and Harassment either informally or formally.

In the first instance, you may be able to sort out matters informally. The person may not know that his or her behaviour is unwelcome or upsetting. An informal discussion may help him or her to understand the effects of his or her own behaviour and agree to change it.

Alternatively, if an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can invoke the organisations Grievance Procedure, which can be found on the NBE website.

Appendix 1 outlines the formal procedure.

It must be emphasised that there are in place effective mechanisms, via the Executive Chairperson or Nominated Executive Officer, to enable those faced with what they might consider to be a potentially coercive situation to take effective steps to obtain advice and support from the outset to deal with the matter, and that the organisation expects staff and Executive Members to take such action promptly.

## **10. What can I do to help stop Bullying & Harassment?**

We all have a responsibility to help create and maintain an environment free of bullying and harassment. You can do this by:

- Making it clear that you find harassment and bullying unacceptable;
- Being aware of how your own behaviour may affect others and changing it, if necessary – you can still cause offence even if you are ‘only joking’;
- Treating your colleagues with dignity and respect;
- Taking a stand if you think inappropriate jokes or comments are being made;
- Making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- Intervening, if possible, to stop harassment or bullying and giving support to recipients;
- Reporting harassment or bullying to the Executive Chairperson or Nominated Executive Officer and supporting the organisation in the investigation of complaints

If a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.



The Executive Chairperson/ Vice Chairperson have a particular responsibility to:

Set a good example by their own behaviour;

- Ensure that there is a supportive working environment;
- Make sure that individuals know what standards of behaviour are expected of them;
- Intervene to stop bullying or harassment; and
- Report promptly any complaint of bullying or harassment; any incident of bullying or harassment witnessed by them; and any complaints from staff, Executive Officers or members of bullying or harassment from third parties.

**11. Making this Policy Work**

NBE will continue to provide guidance to individuals engaged to work for the organisation, volunteer or otherwise, to help them understand their rights and responsibilities under this policy and what they can do to help create an environment free of bullying and harassment.

NBE will review the outcomes of cases where complaints of bullying and harassment have been made, to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

**12. Audit Monitoring and Review**

The Executive Committee will be responsible for implementing this policy.

This policy will be continually monitored and will be subject to an annual review. An early review may be warranted if one or more of the following occurs:

- As a result of regulatory / statutory changes or developments
- As a result of NBE policy changes or developments

**13. Version Control Information & History**

Date	Version no.	Status	Summary of changes	Consulting group / person	Changes made by
12/09/17	1.0	Active	New policy	NBE Executive	S Wanless
July 2018	1.1	Active	Reviewed – minor format changes	NBE Executive	Vice Chair
May 2020	1.2	Active	Reviewed - no changes	NBE Executive	Vice Chair



## Appendix 1: Template for Recording Incidences

It will help you and anyone helping you if you are clear about the behaviour you believe to be bullying and/or harassment. Make some notes about what is happening or what has happened.

Be as clear as possible about dates, times, places, any witnesses, how you felt at the time and subsequently, and what, if anything, you did following the incident.

1. Date(s) of Incident(s):

2. Location:

3. Time:

4. Detail of incident(s):

(Including any actions and comments and the people who made them)

5. Your response:

6. How you felt at the time and later:

7. Action taken by you if any:

8. Names of Witnesses:

9. What you would like to happen: