

# **Policy and Guide to Dealing with Harassment**

## **Introduction**

This guide sets out the BBC's policy on harassment at work, which has been endorsed by the Board of Management and has the support of the recognised trade unions.

All employees have a right to a working environment free from harassment. The BBC is opposed to harassment in any form and is committed to providing a workplace in which the dignity of individuals is respected.

Procedures have been designed for dealing with complaints, whether informal or formal. The procedures are described in this booklet.

It is recognised that problems can arise, often quite unintentionally, in any situation where people of different sex, interests and cultures work together. Many patterns of behaviour are accepted between people as normal forms of social and business interaction. But if any particular form of conduct has the effect of making a recipient feel humiliated, threatened, bullied or that their privacy is being invaded, then it may constitute harassment and steps should be taken to stop it.

The guidance and procedures described in this booklet enable managers and staff to deal with such problems, with the aim of eliminating harassment at work.

## **What is harassment?**

Anti-discrimination legislation in the field of race, gender and disability protects individuals from discrimination which can manifest itself through verbal or physical abuse. In addition, the Protection from Harassment Act 1997 extends the criminal law to cover any form of actual or threatened harassment, or bullying, in the workplace or elsewhere.

It is important that managers and staff appreciate that it is an offence to pursue a course of conduct which the perpetrator knows or ought to know causes another person to fear, on at least two occasions, that violence will be used against him or her. Abusive language by a Manager can amount to violent conduct according to previous legal cases.

The BBC, as a matter of policy, is strongly opposed to any form of harassment and regards it as a breach of discipline. The purpose of this booklet is to set out procedure for dealing with complaints of harassment.

Building on the legal position, the BBC interprets harassment as any form of inappropriate action, behaviour, comments or physical contact that is objectionable or causes offence. Harassment may be of a sexual or racial nature or it may be directed towards people because of age, sexuality, disability, either physical or mental, or some other characteristic.

What defines harassment is the impact on the recipient, not the intention of the person behaving in this way. It can cause the recipient to feel threatened, humiliated, bullied or patronised, and it creates an intimidating work environment. Non-verbal conduct such as the display of certain pictures, 'pin-ups' or written material can also make people feel uncomfortable, can cause offence and can be regarded as a form of harassment.

## **Is harassment a real problem?**

Harassment is a very real problem to those who experience it. It is not 'just good fun' or a joke if it is unwelcome to the recipient. What may be regarded as acceptable or tolerable by one person may be regarded as harassment by another. It also follows that behaviour which might be acceptable to a person in one context is not necessarily tolerable in another. Similarly, there may be cultural differences that make some forms of behaviour, regarded as acceptable within one group because they form part of the normal social inter-action, unacceptable to the group against whom the behaviour is directed.

It is not only those subjected to harassment who may wish to do something about it. Others who observe what they consider to be unacceptable behaviour have a legitimate reason to take action themselves or on behalf of their colleagues.

On occasion, people may be genuinely unaware that their behaviour causes offence, but it is the duty of each individual to be sensitive towards the impact they have on the people around them. In the majority of cases people do know, or should know, that their remarks or actions are causing offence. To cause intentionally a person harassment, alarm, or distress is a criminal offence.

## **What are the effects of harassment?**

Harassment can have an adverse effect on a person's working life and general health, and can prevent them from doing their job effectively. Furthermore, if their performance at work is affected or they decide to leave, then there is a real cost to the BBC. If as a result of sexual / racial harassment a person suffers a detriment in terms of job opportunities, training or security of employment, then it is likely to be a breach of the law.

## **What can managers do about harassment?**

All managers in the BBC are required to ensure that the staff for whom they are responsible are not subjected to harassment, nor should staff be left in any doubt as to the consequences of such behaviour. This means that managers and staff should be aware of what is meant by harassment, the detrimental effects it can have and how it can be prevented. This can best be achieved by including awareness training in management courses and by ensuring that all new staff are told at their induction interview of the BBC's policy on harassment and given a copy of this booklet.

Managers should respond sensitively to any concerns expressed by their staff, bearing in mind that it is the perception of the individual which is important. If someone believes that he or she has been harassed, then there should be an opportunity for that anxiety to be expressed, without fear of victimisation. Managers do not have to wait until complaints are brought to their attention if they are aware of behaviour which might cause offence.

## **What can you do about harassment?**

If you believe that you are being subjected to any form of harassment, you are encouraged to come forward. This can be difficult, especially if the person who is causing offence is someone with whom you work closely either a manager or a colleague. The BBC's policy requires that such concerns should be taken seriously and dealt with positively, without prejudice to you or your career. All complaints will be acted upon.

If initially, you do not feel able to discuss the problem with your manager or with the person who is causing you distress, help is available from a number of sources - you can approach your personnel officer or speak to an equal opportunities officer, a nursing or medical officer or to such other trained advisers as Directorates provide. In addition your trade union representative, or a national officer, may be able to advise how best to make your initial approach. Whoever you choose to approach will talk the problem through with you in confidence and help you to voice your concerns. Together, you will discuss what course of action is appropriate.

The objective is to provide you with the support needed for you to decide upon a future course of action. Each case is considered individually and every effort is made to solve the problem at source; perhaps by discussing it with the person, or persons, causing you offence. It is often the case that the right word in the right place and at the right time can help to resolve difficulties before they get out of hand.

If you decide that further action should be taken, then your Head of Personnel or Personnel Manager should be contacted, to agree how the matter should be dealt with. This does not mean that you will have to register a formal complaint at this stage, but as soon as you have made an informal approach to an adviser, the procedure for dealing with harassment is open to you, with a view to solving the problem. If you do wish to go ahead, then at some point in the proceedings you will have to be prepared for an approach to be made to the person who has caused your distress. A formal complaint can be made at any stage, regardless of whether there have been efforts to resolve the problem informally.

Where you wish to bring a formal complaint, then this should be lodged, in writing, with your Personnel Controller / Head of Personnel / Personnel Manager, who will initiate an investigation under the disciplinary procedure. This is because the person about whom you have complained is entitled to know what allegations are being made and to have the opportunity to respond. The outcome of any internal investigation will be communicated to you. If at any stage during the procedure you feel that your complaint has not been handled effectively, you may state a grievance.

### **What are the time limits?**

Within the BBC's procedure there is no fixed time limit within which a complaint must be brought. It is preferable to do so whilst the details are fresh in your memory, and it is expected that this would normally be within six months. This does not mean, however, that you should feel inhibited about bringing a complaint which may involve either one single incident or forms of unacceptable behaviour which have occurred over a period of time. Should you decide to bring a complaint of sex or race discrimination before an Industrial Tribunal, then current legislation requires that it must be presented before the end of the three-month period beginning when the act complained of was committed.

### **What happens afterwards?**

Whenever possible, it is hoped that any form of harassment will have stopped and that people will be able to continue working together. If the disciplinary procedure has been invoked, however, then the outcome, including any disciplinary penalties, will be decided at the appropriate level.

The important thing to remember is that the BBC is committed to the elimination of harassment. Hopefully this can be achieved through use of the informal procedure

outlined previously. When necessary; corrective action will be taken against offenders following formal disciplinary procedures. In extreme cases this will involve the imposition of a disciplinary penalty, which can include dismissal.

If, as a result of an investigation it becomes evident that any of the parties involved is in need of further help towards solving problems of harassment, then further counselling can be arranged through the Occupational Health Department.

## **Procedure for dealing with harassment**

### **1.**

If you feel that you are being subjected to harassment, you are encouraged to do something about it. You may wish to discuss the problem with your manager; alternatively you may seek the help of a trade union representative as a first point of contact. If you wish to speak to someone outside of your workplace, Directorates normally have a choice of specially trained advisers who include:

- personnel officers
- equal opportunities officers
- nursing / medical officers
- the Occupational Health Counsellor

Telephone numbers can be obtained from Personnel Departments or the Corporate Equality Adviser.

In addition, some Directorates have a network of advisers, representing a range of roles and backgrounds, who have volunteered to listen to anyone wishing to raise concerns about harassment and who can offer advice about options for action.

There is no time limit within which a complaint must be brought, but if you wish to report an incident it is advisable to do so within six months whilst the details are fresh in your memory. All advice is confidential.

### **2.**

Discuss the problem with your adviser and decide what action may be appropriate. There may be a number of ways of approaching the problem, depending on the circumstances, for example:

- you can speak to the alleged offender yourself
- with your agreement, your adviser can speak to the alleged offender informally on your behalf
- you can contact your Head of Personnel or Personnel Manager
- you can register a formal complaint.

You can of course, decide to take no further action.

### **3.**

If the problem cannot be solved easily and you decide that further action is necessary then your Head of Personnel or Personnel Manager should be contacted. He or she will advise on the next step to take. This does not necessarily mean that you will have to register a formal complaint, but ensures that the proper procedures will be followed should the matter become more serious.

If you decide to register a formal complaint you need to do so in writing to your Personnel Controller / Head of Personnel / Personnel Manager who will initiate an investigation under the disciplinary procedures, and you will be informed of the result. You have the right to initiate a formal complaint without first approaching an adviser.

**4.**

Further action under the disciplinary procedures may then be taken as a result of the investigation.

**5.**

If at any stage during these procedures you feel that your complaint has not been handled effectively, you have a right to state a grievance.