

## Workplace Bullying and Harassment Policy

### INTRODUCTION

All employees should be treated with respect at all times in line with the “Equality and Diversity” strategy. HFI takes bullying and harassment extremely seriously and will not tolerate any such behaviour against employees by colleagues, managers, residents, service users or others who are associated with in HFI in any way.

### DEFINITIONS

#### **What is bullying and harassment?**

It is difficult to define bullying and harassment as everyone has a different interpretation of what they are. However, the most important thing is that if the individual complains of bullying or harassment, then they have a grievance that must be dealt. Indications of what is meant by the terms bullying and harassment, as well as discrimination and victimisation, is given below.

#### **Bullying at work involves:**

- Threatening, aggressive or intimidating behaviour.
- Abusive, insulting or offensive behaviour
- Cruel or Vindictive behaviour
- Malicious behaviour
- Abuse of power, position and knowledge and may be perpetrated by the victim’s manager, his or her peers or even by subordinates.
- Degrading or demeaning behaviour
- Unfair sanctions, which make the recipient, feel upset, humiliated, or vulnerable.

It may affect individuals’ self-confidence and self - esteem and cause individuals to suffer stress.

According to experts, examples of such inappropriate behaviour are outlined in appendix 1.

**Harassment:** Inappropriate behaviour, comments or physical contact that causes offence to the recipient, which may be related to age, religious belief, disability, sex, sexual orientation, race or any other personal characteristic of the individual. It may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

The right not to be harassed at work extends to all workers, so agency staff and contractors are protected.

According to experts, examples of such inappropriate behaviour are outlined in appendix 2.

**Direct discrimination** means treating someone less favourably than others in the same situation.

**Indirect discrimination** occurs when a person or organisation applies a condition or requirement to all people but in practice fewer people in certain groups (such as race or sex) are able to comply and it cannot be shown to be justifiable.

**Victimisation** may occur when a person is treated less favourably than others because they have made a complaint of harassment / discrimination / bullying and/or given evidence about such a complaint.

### **General Advice**

Managers need to be careful when managing performance management and conduct matters and should follow either the managing disciplinary and competency policies and procedures as appropriate including reference to HFI's code of conduct.

Any feedback provided to a member of staff has to be undertaken in a constructive manner focussing on the following:

- Actions and behaviour, i.e. discussing what the employee has or has not done;
- Facts, and specific examples of unsatisfactory behaviour or performance;
- Future performance, e.g. in terms of what the member of staff should do differently or what changes they should make;
- Act reasonably.

Managers who use the following criticism methods may be leaving themselves open to alleged bullying and harassment strategies or tactics:

- Aggressive behaviour e.g. shouting or swearing.
- Personal insults or "put – downs"
- Allocating blame rather than taking responsibility
- Acting emotionally and irrationally.

## **FREQUENTLY ASKED QUESTIONS**

### **Are there any places or situations where bullying and harassment is more likely to occur?**

Research shows that some workplaces have a higher likelihood of bullying than others, for instance where there high turnover of permanent or temporary / agency staff, authoritarian management styles, high workloads, tight deadlines and/or fear of redundancy. Also bullying can be a result of an abuse of power, with the victim feeling less powerful than the bully and it is more likely that a bully is a supervisor or manager than a colleague. Therefore, it is important that managers are sensitive to these issues in both their own management style and in those of their direct reports.

### **What are the signs of bullying in the workplace?**

Not all victims will come forward to report bullying and harassment, therefore it is important that managers are aware for signs and symptoms of bullying and harassment in their service area, which can include:

- A sudden change or rapid deterioration in the working atmosphere
- An increase in short periods of absence
- An increase in absence related to stress or stress related disorders
- Unexpected resignations
- Strained individual relationships
- Reduced productivity
- Aggressive or sullen behaviour
- Silence amongst colleagues

### **What are examples of unacceptable behaviour?**

HFI would regard the following examples as unacceptable and could lead to disciplinary action being sanctioned against the perpetrator:

- Spreading malicious rumours, or unreasonably insulting someone (particularly on the grounds of race, age, sex, disability, sexual orientation, or religious belief)
- Issuing memos that are critical about someone to those who do not need to know
- Ridiculing or demeaning someone
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances - touching, display of offensive materials, etc
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and criticism

- Preventing individuals progressing by blocking promotion or training opportunities.

Bullying and harassment can be hard to recognise and may not be obvious to others, as the actions may not affect them in the same way as the recipient. The recipient may think that others will consider them weak, overacting or not up to the job, if they find the actions intimidating and complain about them.

People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial but may be the 'last straw' following a series of incidents. Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences for themselves. They may be so relieved not to be the subject of the bully themselves that they collude with the bully as a way of avoiding attention.

### **When can bullying and harassment happen?**

Bullying and harassment can happen face to face, via written communications, e-mail, phone, and automatic supervision methods, such as recording of telephone conversation. It can also happen by visitors to HFI, as well as its residents. Bullying and harassment of HFI employees will not be tolerated, whoever the perpetrator, and will issue appropriate penalties.

### **As a manager how can I get to the root cause of the problem?**

If a manager believes bullying may be occurring, but no one is willing to complain, the manager should provide other opportunities for member(s) of the team to discuss the matter with you. This may include: sensitive direct questioning, observing team meetings and interpersonal behaviour of individuals, as well as general open discussion with other team members. Exit interviews can be another good source of information.

Managers should take an active interest in all their employees to increase their confidence, which will increase the likelihood of them confiding in their manager or confronting the bully. Managers are also encouraged to discuss any concerns they have with their HR Manager, who may be able to advise on appropriate strategies or recommend an external source of assistance.

### **How do I help victims of bullying?**

Where it is suspected or known that a person is being bullied or harassed, the manager should adjust the imbalance of power between them and the bully by supporting the employee being bullied. This will make people more confident to address the situation themselves.

Managers may be able to coach the person in how to tackle the issue with the bully. Managers should also make it clear to the individual that HFI takes all incidents of bullying and harassment very seriously and provides support to victims at all stages.

## **What do I do about the alleged bully?**

It can be a fine line between strong leadership and bullying if the bully is a manager or senior colleague. Where a manager line manages a “bully”, they should advise them of acceptable and unacceptable management techniques and monitor their development carefully. However, if it is believed that the bullying is intentional or progress in behavioural change is not satisfactory, formal disciplinary action should be considered. Their behaviour should be monitored on an ongoing basis and the required standards should be regularly reinforced. Many bullies have some insecurity driving their behaviour; counselling to recognise why they need to hold power over others may be suggested.

## **How do I rebuild the team?**

An incident of bullying or harassment can have an adverse affect on team dynamics whether or not the bully has been removed, as guilt or suspicion can remain. It may be useful to run a teambuilding session or establish processes to ensure that the team is effective and communication is open.

## **Why do employers need to take action on bullying and harassment?**

Bullying and harassment are not only unacceptable morally, if unchecked or badly handled, create serious problems for HFI, which include:

- Poor morale and employee relations
- Loss of respect for managers and supervisors
- Poor performance overall
- Low levels of productivity
- Increased absence
- Resignations/ high turnover
- Damage to HFI's reputation
- Tribunal and other court cases and payments of unlimited compensation.

## **What happens if someone raises a complaint of bullying?**

Sometimes it may be possible to rectify matters informally as ‘bullies’ may not be aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and resolve the issue. HFI may be able to support both parties through this process.

Formal complaints of bullying and harassment are dealt with through HFI's grievance procedure and such complaints and any information relating to them will be dealt with confidentially and sensitively. The complaint will be taken seriously, as HFI is aware that employees do not normally make serious accusations unless they feel seriously aggrieved. Managers must not make assumptions about the aggrieved employee's accusations.

If the situation indicated that serious misconduct on the part of the bully has occurred, the manager should consider suspending the individual while the

case is being investigated. The person making the complaint should not be transferred unless they ask for such a move and under no circumstance should they be one who is suspended.

If the outcome of the grievance investigation indicates that formal disciplinary action is necessary, then the manager will initiate formal proceedings against the bully. In cases where an employee makes a malicious allegation of bullying and/or harassment, this will be dealt with under the disciplinary procedure. The perpetrator will have the right to be accompanied by a HFI colleague or certified trade union official to any stages of the disciplinary proceedings.

In exceptional circumstances, disciplinary action may not be appropriate, even if it has been found that an employee is responsible for bullying or harassing a colleague. Any action to be taken must be reasonable in the light of the facts. In some cases it may be concluded that a penalty is unnecessary or that counselling or training is preferable.

When the matter has been concluded, both the employee who raised the complaint and the employee accused of the bullying and harassment should be given written feedback on the outcome of any agreed actions.

### **What should an individual do if they believe they are victims of bullying or harassment?**

If employees feel they are being bullied or harassed, they can do one or more of the following:

- The employee should tell the person to stop whatever it is they are doing that is causing them distress, as the *'bully'* may be unaware of the effect of their actions. If they find it difficult to tell the person himself or herself, they may wish to ask someone else, such as a colleague, or trade union official, to act on their behalf.
- If the employee feels unable to confront the bully, they may consider writing a memo to them to make it clear what it is they object to in their behaviour. The memo should stick to the facts, be firm and positive and not be aggressive.
- If an employee wants to raise the matter formally, they should utilise HFI's grievance procedure.
- Contact HFI's Employee Assistance Programme (EAP) provider on 0800 282 193 for confidential counselling and other support and advice.

## Some of the examples of behaviour that could be perceived as bullying depending on the circumstances

<b>GENERAL</b>	<b>MANAGER TO SUBORDINATE</b>
Ostracising someone, i.e. refusing to speak to individuals including ignoring their views or comments or excluding them from work related or social activities.	Deliberately imposing grossly excessive or unachievable workloads or impossible deadlines in order to make life difficult for a particular employee
Deliberately withholding vital work related information in order to embarrass someone or make them look foolish	Repeated unfair criticism or destructive and negative criticism that focuses on blame rather than future improvement
Personal insults or put downs	Criticising the individual in front of colleagues
Spreading rumours or gossip or making false allegations about an individual in order to discredit them	Excessive or overbearing monitoring of a particular employee's work without good reason.
Physical shoving or barring someone's way	Ordering a particular employee to work below their level of ability, or perform mundane or demeaning tasks without any reasonable explanation.
Playing practical jokes on an individual	Removing an employee's responsibility without consultation and reasonable explanation.
Aggressive or intimidating behaviour towards an individual, especially if displayed in front of others	Threatening an employee with dismissal without going through the appropriate HR policies and procedures

Some of the examples of behaviour that could be perceived as harassment depending on the circumstances

TYPES OF HARASSMENT	EXAMPLES OF DETAILS
Sex related	<p>Making derogatory sexist remarks</p> <p>Deliberately placing materials or tools that a woman needs to do her job in order to make it harder for her to reach them</p>
Sexual	<p>Remarks, banter, jokes of a sexual nature</p> <p>Making sexual suggestions or persisting with sexual advances after it has been made clear that such approaches are unwelcome.</p> <p>Display of sexually explicit materials that may be perceived as offensive by others.</p> <p>Making sexual suggestions or persisting with sexual advances after it has been made clear that such approaches are unwelcome.</p>
Gender Reassignment	<p>Using nicknames</p> <p>Displaying items specifically associated with the individual's old or new gender</p>
Racial	<p>Using nicknames linked to skin colour or nationality</p> <p>Remarks, Banter or jokes about people from different racial backgrounds.</p>
Disability	<p>Using insulting terminology</p>



	<p>Mimicking a disabled colleague's mannerisms or speech</p> <p>Excessive staring e.g. someone with a facial disfigurement</p>
Religious	<p>Remarks, Banter or jokes about particular religious beliefs or religious practices.</p> <p>Derogatory remarks made about a particular item of clothing or jewellery worn by someone as a symbol of their religion</p>
Sexual Orientation	<p>Calling nicknames based on individual sexuality or perceived sexuality</p> <p>Deliberate isolation on grounds of individual sexuality or perceived sexuality</p> <p>Deliberately behaving in an effeminate manner in the presence of someone who is gay</p>
Age	<p>Banter or jokes that make fun of older people or demean their abilities.</p> <p>Calling nicknames linked to individual age.</p> <p>Ignoring someone, or treating their individual views as worthless on the basis of their age.</p>