

BULLYING AND HARASSMENT POLICY & PROCEDURE

Updated: 1st April 2011
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POLICY STATEMENT

ELCAP will maintain a non-discriminatory working environment, which is free of harassment and bullying.

Allegations of harassment will be investigated in all cases.

Harassment on the grounds of sex, sexual orientation, race, religion, age, gender re-assignment, marriage/civil partnership, pregnancy and disability is unlawful and allegations which are upheld will be treated as gross misconduct.

HOW CAN BULLYING AND HARASSMENT BE RECOGNISED?

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate or injure the receiver.

Harassment can be any behaviour at work carried out by an individual or group of people (who may, or may not, be employed by the organisation), which is perceived by the victim to be humiliating, offensive or distressing. It need not be directed personally at a single individual and it need not be a conscious act. It is possible that those concerned may not be aware that their action may be perceived as harassment to others. It is not wanted or asked for, it is not reciprocated and it reduces, demeans or intimidates and affects the dignity of men and women at work.

“At work” includes any place of work or social events, meetings, holidays linked to the employee’s job.

Bullying can occur in a number of different ways. Some are obvious and easy to identify, others subtle and difficult to explain. Bullying can also occur in e-mail communication. Employees are reminded that they must not create or send any messages that may constitute bullying or harassment or which may cause anxiety.

Although bullying/harassment may involve an overt abuse of power, coercion or violence, it can also appear in far more subtle guises. In some cases it can be unintentional. The perpetrators can be colleagues as well as managers or third parties (such as visitors or service users and/or their relatives).

ELCAP can be liable for acts of harassment committed by third parties against staff if we have not taken reasonable steps to prevent such harassment. Therefore complaints made by staff relating to the actions of third parties will be taken seriously and dealt with by ELCAP as far as is practicable.

Confidentiality

ELCAP will restrict any information about an allegation to those staff involved with the allegation. However, staff need to be aware that the alleged harasser will be informed of the allegation against them as part of a formal investigation.

TYPES OF BULLYING AND HARASSMENT

- Insults, derogatory comments, ridicule, pranks or “jokes” of a sexual or racial nature
- Lewd or suggestive comments about appearances or personal life and sexual activities
- Inappropriate body contact
- Visual display of posters/pictures, graffiti, obscene gestures, e-mails of a sexual nature
- Requests for sexual favours, including the threat of dismissal, loss of promotion for refusal
- Isolation or non-co-operation and exclusion from social activities
- Using strength or position to coerce others by fear
- Intrusion by pestering, spying or stalking
- Victimisation

The above are examples only of what may be considered inappropriate. It must be borne in mind that it is for each individual to determine what behaviour is acceptable to them and what they consider offensive.

REMEDIES

First Steps

Employees who feel that they are being harassed, or are uncomfortable about an aspect of the work environment should make it clear to the harasser that the behaviour is unacceptable. It is best if employees can raise issues with the harasser and these issues may be dealt with directly and informally at this stage.

If an employee does not feel able to speak to the harasser then an employee can contact their line manager. The line manager will listen to the employee's concerns and then send them a note of the conversation explaining what they can do next. For example, an employee's concerns can be dealt with through a work practice meeting which would be arranged as soon as possible. However, if the matter raised is serious then the manager is required to initiate formal proceedings.

Employees can also contact the Human Resources Manager for advice about how to follow the policy.

Formal Steps

If any informal approaches between team members are ineffective; or the Line manager considers that the matter to be a serious case of harassment or bullying; or the employee is unable to speak to their line manager, then formal steps must be taken under this procedure. The employee should send a formal allegation in writing to their line manager or to the Director who will ensure that the appropriate manager deals with the allegation timeously.

The line manager or Director will deal with the Bullying & Harassment allegation under ELCAP's disciplinary procedure. The member of staff who is raising these issues will be informed that this is the case and will be asked for a statement as part of the investigation.

Advice can be sought from Linda Lowe, the Human Resources Manager (01875 818021) on how the matter can be dealt with formally.

Any employee who is accused of harassment or bullying will be dealt with under ELCAP's disciplinary procedure. Depending on the nature of the complaint it may be necessary to suspend the

alleged harasser on full pay until an investigation has been carried out.

All parties involved in any allegation are expected to respect the need for confidentiality during the resolution of any allegations, and disciplinary action may be taken against any party who breaches this.

Where an employee is found guilty of an act of harassment or bullying, he or she will be dealt with in terms of ELCAP's disciplinary procedure. In serious cases of harassment or bullying, the harasser may be summarily dismissed.

No detriment will occur against any employee who brings a complaint of harassment or bullying, unless it can be shown that the complaint was brought in bad faith or spitefully. In this case, the employee will be dealt with through ELCAP's disciplinary procedure.

Employees who have been subjected to bullying or harassment can seek advice, support and counselling, in confidence from ELCAP's counselling services. An appointment can be arranged through contacting the Human Resources Manager.

APPEALS

The above procedure allows for either party to appeal as outlined in ELCAP Grievance and Disciplinary Procedures.

TRAINING

All new employees will be made aware of this policy at induction. When appropriate, staff teams will receive training to ensure that staff understand their rights to protection at work and how they can raise issues through the appropriate policies and procedures should they believe that they have been bullied or harassed.

MONITORING

The Human Resources Department will record all formal complaints of bullying and harassment in order to monitor the incidences and trends, as well as taking appropriate action.



