

# BULLYING AND HARRASSMENT POLICY

## Introduction

All employees have the right to be treated with respect and dignity at work and we need to ensure the working environment is free from bullying and harassment of any kind from either parent, carer or staff member.

## Scope

The procedure set out in this document applies to all employees of New Millside Preschool (NMPS) including temporary staff, and all serving committee members of NMPS.

## Definition of harassment

Harassment is unwanted conduct related to a relevant protected characteristic which has the purpose of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive working environment for them. Harassment at work is unlawful under the Equality Act 2010.

Where it cannot be established that there was an intention to offend, conduct will only be regarded as violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment if, after taking all the circumstances into account, it would be reasonable to come to that conclusion.

Individuals can be subjected to harassment on a wide variety of grounds. Some examples are;

*Sex based (purely because of gender) or sexual (sexual in nature)*

*Sexual orientation*

*Trans-sexualism (gender reassignment)*

*Being married or a civil partner*

*Race, nationality, ethnic origin, national origin or skin colour*

*Disability itself or a reason relating to it*

*Age*

*Employment status, e.g. part time, fixed term*

*Membership or non-membership of a trade union*

*Carrying out health and safety duties*

*Religion or religious beliefs or lack of either*

*Deeply held personal beliefs or lack of them*

*Political beliefs*

*Criminal record*

*Health, e.g. AIDS/HIV sufferers*

*Physical characteristics*

*Social class*

*Willingness to challenge harassment; being ridiculed or victimised for raising an issue*

## Examples of harassment

Employees must recognise that what is acceptable to one employee may not be acceptable to another. Harassment can be obvious or it may be subtle, making the receiver uncomfortable.

Examples of harassment include (this list is not exhaustive);

Verbal; crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip and offensive songs

Non-verbal; wolf whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper based and generated on a computer, including offensive screen savers), graffiti, offensive letters, offensive emails, text messages on mobile phones and offensive objects

Physical; unnecessary touching, patting, pinching or brushing against another employee's body, intimidating behaviour, assault and physical coercion

Coercion; pressure for sexual favours

Coercion; pressure to participate, not participate or removed participation in political, religious or trade union groups etc.

Isolation or non-cooperation and exclusion from social activities

Intrusion; following, pestering, spying etc.

### **Definition of bullying**

Bullying is the intimidation or belittling of someone through the misuse of power or position which leaves the recipient feeling hurt, upset, vulnerable or helpless. It is often linked to the areas of harassment described above.

### **Examples of bullying**

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. It can be done on a face to face basis, through written communication, emails and phone. These can be split into two categories;

The obvious:

Shouting or swearing at individuals in public or private

Persistent criticism

Ignoring or deliberately excluding individuals

Persecution through threats and instilling fear

Spreading malicious rumours

Constantly undervaluing effort

Dispensing disciplinary action that is totally unjustified

Spontaneous rages, often over trivial matters

The less obvious:

Withholding information or supplying incorrect information

Deliberately sabotaging or impeding work performance

Constantly changing targets

Setting individuals up to fail by imposing impossible deadlines

Levelling unfair criticism about performance the night before an employee goes on holiday

Removing areas of responsibility and imposing menial tasks

Blocking applications or refusing reasonable requests for annual leave, promotion or training

The actions listed must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.

### **The impact of harassment and bullying**

Harassment and bullying can lead to illness, absenteeism, an apparent lack of commitment, poor performance, poor morale, increased staff turnover. The damage, tension and conflict that harassment and bullying creates should not be underestimated.

## **Leadership & management**

Every manager has an obligation to prevent harassment / bullying and to take immediate action once it has been identified, whether or not a complaint has been made. Allegations of harassment or bullying received either informally or formally, must be dealt with promptly and sensitively.

It is important that managers recognise that sexual harassment is any sexual advance unwanted by the recipient or behaviour which causes offence to the recipient. Similarly, racial harassment is behaviour which is racially offensive to the recipient. Managers must therefore take care to ensure that they do not pre-judge situations based on their own sexual or racial attitudes and perceptions.

It may not always be appropriate for a line manager to be involved with specific complaints. For example, if the complainant is male and they wish to speak to a male, and the line manager is female, or if the complaint relates to the conduct of the line manager.

All managers lead by defining acceptable standards of behaviour through their own actions and reactions to the behaviours of others. Managers seen to avoid, cover up, or excuse harassment or bullying will be viewed by others as condoning the behaviour and hence undermining a culture of inclusivity and safety. Whilst everyone is responsible for their own behaviour, cues from managers make behaviour seem acceptable and send messages that complaints against behaviours will be unsupported.

It is unacceptable to condone negative behaviours under the guise of a particular management style. Effective management will obtain results whilst ensuring that employees are treated with dignity and respect, and supported in correcting / improving their performance. Legitimate, constructive and fair criticism of performance or behaviour at work is not harassment or bullying, nor are differing opinions relating to performance.

In circumstances where an employee feels aggrieved about the management of their work performance, then this is a separate matter, which could be the subject of a grievance and would not therefore fall within the scope of this procedure.

### **Responsibilities of all employees**

Every employee has a personal responsibility NOT to harass or bully other members of staff. Any employee who becomes aware of harassment or bullying occurring should bring the matter to the attention of his/her line manager. Where an individual feels that they have been the subject of harassment or bullying by a means of managing their performance they may request that the matter is considered under this procedure.

If NMPS has grounds to believe that an employee may have been bullying or harassing another employee or third party, whether on Authority premises or not, and whether or not there has been a formal complaint, the Authority will instigate an investigation into the alleged bullying or harassment.

### **Confidentiality**

In most cases an informal approach would be appropriate in making the alleged aware of the impact of their behaviour. Confidentiality should be maintained between the employee, the alleged and each party's support mechanism (i.e. line manager, appropriate trade union or workplace representative). Any requirement to share information beyond this should be done with the express consent and knowledge of the individual(s) raising the concern.

In extreme and serious cases, relating to systematic, on-going or serious abuse, NMPS has a duty to take action, notwithstanding the wishes of the employee(s). Confidentiality will be shared between essential and required parties necessary to deal with the issue, this could include the alleged. This will be with the knowledge of the employee(s) and not necessarily with their consent.

#### Advice

NMPS recognises the sensitive nature of harassment and bullying. Employees who believe they are being harassed or bullied may wish to discuss their situation before deciding what action to take. Employees can discuss the matter with their line manager on an informal basis.

NMPS recognises that it may not always be appropriate in the circumstances to speak with their line manager. If this is the case, employees can discuss the situation with an alternative manager at the same level or next higher level of management or with Human Resources. Advice is also available from appropriate trade union or workplace representatives and the Employee Assistance Programme (EAP).

Advisors will;

*Ensure the conversation remains confidential as far as possible*

*Listen sympathetically*

*Help individuals consider objectively what has happened*

*Discuss what outcome the individual would wish to see*

*Draw attention to available procedures and options*

*Inform the individual of the legal liabilities involved*

*Help weigh up the alternatives, but without pressure to adopt any particular course*

*Assist the individual in dealing with the situation if they ask for help*

Confidentiality will be maintained as far as possible. If an employee decides not to take any action to deal with the problem and the circumstances described are very serious, NMPS reserves the right to investigate the situation. NMPS has a duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's / bully's behaviour.