



Lincolnshire YMCA Ltd

Policy Document

Anti-Bullying & Harassment

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1. Introduction

- 1.1. YMCA Lincolnshire is committed to preventing bullying, harassment and sexual harassment of any kind including from a third party. We expect all individuals to treat each other with respect, empathy and compassion and our aim is to create a working environment which is free from any form of discrimination, bullying, harassment and sexual harassment.
- 1.2. The Charity is a community, both multicultural and diverse, and it values and celebrates all differences and expects that difference will be respected and embraced.
- 1.3. We are committed to maintaining a zero-tolerance approach to any form of discrimination, victimisation, harassment or sexual harassment and want to encourage a culture where individuals feel comfortable approaching their line manager to have an open and honest dialogue and are able to report any incidents they encounter or witness.
- 1.4. All managers, as part of their managerial responsibilities, have a particular responsibility. Where issues around harassment and bullying are brought to the attention of management they must take the issue seriously and take appropriate action.
- 1.5. The Charity has an obligation to eliminate harassment of which it is, or should be, aware. Managers are themselves expected to demonstrate and act as a role model for high standards of behaviour which afford a culture of dignity and respect. Equally, managers should also not be subjected to bullying and harassment.
- 1.6. This policy does not form part of any contract of employment, although there are statutory entitlements referenced within it.
- 1.7. The Charity Equality Impact Procedure was used in the development of this policy and is included at the end of this policy.

2. Purpose

- 2.1. The purpose of this policy is to ensure that all staff understand that they have the right to be treated with dignity and respect. Harassment and Bullying are not acceptable forms of behaviour within the Charity. Where a formal complaint is substantiated it may be treated as a disciplinary matter.

3. Scope

- 3.1. This policy covers all employees, casual workers, consultants, contractors and agency workers.
- 3.2. This policy covers harassment and bullying which occurs at work and outside of the workplace such as business trips, conferences, work related (including work related social) events and cyber bullying. It covers harassment and bullying by staff (which may include consultants, casual workers, contractors and agency workers) and also by third parties such as suppliers or visitors to Charity premises.

4. Guiding Principles

This policy is designed to help management and employees stop and address unacceptable harassing and bullying behaviour in the workplace by:

- 4.1. Working together to advise and offer early support with a view to seeking an agreed resolution

with minimum recrimination as early as possible.

- 4.2. Affording a prompt, thorough and impartial investigation with due regard to the rights of both the complainant and the person against whom the allegations have been made.
- 4.3. Ensuring that the person against whom the allegations have been made is provided with clear and sufficient details of the complaint and given the opportunity to respond at all stages.
- 4.4. Applying the principles of natural justice (avoidance of bias) to all stages of the policy.
- 4.5. Management may consider temporary changes to working arrangements pending an outcome where these can be accommodated and are deemed necessary.
- 4.6. Protecting employees who make complaints or who participate in good faith in any investigation. Such employees must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated or victimised someone in this way will be subject to disciplinary action up to and including dismissal.
- 4.7. To ensure independence and objectivity, wherever possible and appropriate, at each stage of the process. Different employees at escalating levels of seniority should conduct the investigation, formal meetings and appeal hearing phases.
- 4.8. Wherever possible and appropriate the appointment of an Investigator will be from outside the Department where the complainant works.
- 4.9. The appointment of the investigator will take into account the particular sensitivities of the case. For example, a woman who has been sexually assaulted may be more comfortable talking with a female investigator.

5. Responsibilities

Everyone working at the Charity has responsibilities under this policy to eliminate harassment. All members of staff are expected:

- 5.1. To treat each other with dignity and respect
- 5.2. Not to discriminate against others or incite others to behave in discriminatory ways
- 5.3. Not to harass, bully, abuse or intimidate others
- 5.4. Not to victimise/ attempt to victimise anyone who has made a complaint of harassment or bullying or provided information about this.
- 5.5. To make appropriate internal disclosure when they are informed, or are aware, that an act of bullying or harassment has occurred. This could be direct to their manager or HR.
- 5.6. To participate in informal attempts to resolve complaints when requested to do so by a colleague

6. What is Harassment?

Under the Equality Act 2010 there are three types of harassment which are prohibited. These are:

- Harassment related to a Protected Characteristic (age, disability, gender reassignment, race, religion and belief, sex and sexual orientation) Unlike other forms of discrimination, harassment on the ground of pregnancy and maternity and marriage and civil partnerships are not prohibited. However, harassing someone on these grounds could be discrimination related to sex or sexual orientation (Appendix 1 of the Dignity and Respect Policy lists definitions).
- Sexual Harassment. Sexual harassment is conduct of a sexual nature. The conduct need not be sexually motivated, only sexual in nature.
- Less favourable treatment for rejecting or submitting to conduct of a sexual nature. This type of harassment occurs where an employee rejects or submits to unwanted conduct of a sexual nature or that is related to gender assignment or sex and in consequence is treated less favourably.
- Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

6.1 Examples of Harassment

Examples of harassment are listed below:

- verbal abuse and intimidation
- inappropriate derogatory remarks
- spreading malicious rumours
- physical bullying and harassment
- discrimination (particularly on the grounds of age, race, disability (mental and/or physical), sex or sexual orientation, gender reassignment, gender identity, expression and non-binary and religion or belief)
- psychological abuse/bullying
- cyber bullying, offensive e-mails, text messages or social media content
- Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation, social or educational background or family or care responsibilities. Harassment is unacceptable even if it does not fall within any of these categories

This is not an exhaustive list.

6.2 Examples of Sexual Harassment

Examples of sexual harassment would include verbal, non-verbal or physical conduct including but not limited to:

- unwanted sexual advances

- suggestive behaviour (including but not limited to looks, gestures or propositions)
- inappropriate and/or unwelcome physical contact or touching
- forms of sexual assault
- sexual jokes/banter
- displaying pornographic photographs or drawings sending emails or displaying social media content with material of a sexual nature
- less favourable treatment because of an individual's rejection of or submission to sexual harassment

6.3 Examples of Less favourable treatment for rejecting or submitting to unwanted conduct

Less favourable treatment can take many forms, occurring in face-to-face settings, by telephone, written or electronic communications including social media. The list below is not exhaustive but sets out examples of behaviour that can amount to less favourable treatment:

- A manager propositions one of their team and the advance is rejected. The manager then begins to give the employee more work and becomes critical of their performance
- A manager often makes lewd comments about their sex life during breaks. A junior member of the team sends the manager an email stating that they will no longer be taking breaks because they find such discussions offensive. The employee is then denied a promotion.

7. What is Victimisation?

Under the Equality Act victimisation is prohibited. Victimisation means treating an employee badly (subjecting them to a detriment) because they have done a Protected Act or because it is believed that they are going to do so. A Protected Act includes:

- 7.1. Making a claim or complaint under the Equality Act
- 7.2. Helping someone else to make a claim by giving evidence or information
- 7.3. Making an allegation that someone has breached the Act or doing anything else in connection with the Act
- 7.4. A detriment is not defined by the Equality Act and could take many forms. Generally, a detriment is being treated badly. This could include, for example, being rejected for promotion, denied an opportunity or excluded from opportunities to undertake training.
- 7.5. Any form of retaliatory treatment is unacceptable to the Charity even if it does not fall within any of these strict legal definitions.

8. What is Bullying?

- 8.1. Bullying is not defined within legislation. However, it shares many characteristics with harassment. Bullying can be offensive, intimidating, malicious or insulting behaviour involving the

misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can involve both personal strength and the power to coerce through fear or intimidation.

- 8.2. The behaviour is often repeated and habitual. Bullying can be carried out by an individual or group of people and can involve physical, verbal and non-verbal conduct.
- 8.3. Examples of Bullying are listed below - this is not an exhaustive list:
 - 8.3.1. Physical or psychological threats
 - 8.3.2. Being criticised in an inappropriate manner or belittled about one's work, personality or personal appearance
 - 8.3.3. Being ignored or isolated/excluded
 - 8.3.4. Being pressurised by a group into behaviour/actions against one's wishes
 - 8.3.5. Use of social media to bully, harass or intimidate
 - 8.3.6. Overbearing and intimidating levels of supervision
 - 8.3.7. Inappropriate derogatory remarks
 - 8.3.8. It is important to make a distinction between bullying and firm management. Legitimate, reasonable and constructive criticism of an employee's performance or behaviour, including managing under performance or taking unpopular decisions will not, by itself, amount to bullying. Neither will reasonable instructions given to employees in the course of their employment.

9. How to Report

Reporting of any Bullying or Harassment, including Sexual Harassment follows the process spelt out in YMCA Lincolnshire's Grievance Policy.