

Healthwatch Cambridgeshire and Peterborough

Harassment and Bullying at Work Policy

Introduction

Healthwatch Cambridgeshire and Peterborough is committed to preventing and eliminating discrimination, harassment, bullying and victimisation on any grounds in the workplace, and believes that you have the right to maintain your dignity at work and not be threatened or undermined,. These guidance notes explain what constitutes harassment/ bullying and what to do if you want to complain about this type of treatment in the workplace.

Scope of this policy

This policy applies equally to Board members, staff and volunteers. For Board members, the Chair would act in place of the line manager referred to in this policy. For volunteers, it will be the Volunteer Manager.

Definitions of harassment and bullying¹

These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment.

Harassment as defined in the Equality Act 2010 is:

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Bullying may be characterised as:

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Examples of bullying/harassing behaviour include:

¹ <http://www.acas.org.uk/media/pdf/r/l/Bullying-and-harassment-at-work-a-guide-for-employees.pdf>

- Spreading malicious rumours, or insulting someone by word or behaviour (copying memos that are critical about someone to others who do not need to know, ridiculing or demeaning someone - picking on them or setting them up to fail)
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances - touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

Your Rights

You have the right not to be subjected to harassment, bullying or victimisation at work.

You have the right to complain about any perceived unfair, unreasonable or unacceptable treatment that you receive at work. In most cases complaints should be raised via the Complaints Policy. However, this policy is in place in recognition of the sensitivities involved in allegations of harassment, bullying or victimisation,

You have the right to be represented or accompanied when making a complaint. As a party to the proceedings, he/she has a responsibility to maintain confidentiality and to ensure that action is not taken without your prior approval.

You have the right to be protected from detrimental treatment/victimisation as a result of making a complaint of harassment, bullying or victimisation.

Your Responsibilities

As a colleague and possibly a manager or supervisor to other employees, you **must** respect their dignity at work by not practicing behaviour that could be perceived as harassment, bullying or victimisation or could otherwise cause offence. If you do practice such behaviour, a complaint may be made against you, which may result in disciplinary proceedings.

You **must not** use this policy to make unfounded, vexatious, and/or malicious complaints against another employee (which in itself constitutes harassment) and may be considered a disciplinary offence.

You should use the Whistleblowing Policy to raise awareness of harassment, bullying or victimisation in the workplace that you observe affecting others (and not yourself). Your anonymity will be protected if you do so.

You may be asked to give a statement as a witness with regard to a colleague's complaint. In this instance your responsibilities are to be honest and to co-operate with the policy as requested at the time.

Harassment

The following procedure shall be used when responding to **informal** complaints of harassment, bullying and victimisation that are of a non-violent nature and/or where the perceived offender may not be aware that his/ her behaviour is causing offence.

The aim is to inform the perceived offender that the behaviour is unacceptable and to put a stop to it as quickly and as discreet as possible, to avoid upset and disruption.

Where the alleged behaviour is so serious that it could not be tolerated again, e.g. physical assault, the case may be progressed through the Disciplinary Policy.

Making an informal complaint

If you believe that you have been subjected to harassment, bullying and/or victimisation you may be able to approach the perceived offender informally in the first instance to inform that person that the behaviour is unwanted, offensive and needs to stop.

You can do this in person or by letter and/or ask your representative (e.g. a union representative or a colleague), to accompany you or to make the approach on your behalf.

i) In Person

In certain circumstances it may be possible to speak to the perceived offender and have a discreet and informal conversation with him/her to inform him/her:

- that he/she has caused offence and/or distress;
- of the specific behaviour that has caused offence and/or distress and how;
- how the behaviour constitutes harassment, bullying and/or victimisation, and is therefore inappropriate; and
- that the aim of the conversation is to resolve this matter now.

However, this should only be attempted if you feel completely at ease and confident to do so. The nature of bullying and harassment means that this informal discussion stage will frequently not be a feasible option. You may feel that it would be helpful to inform your manager if you decide upon this course of action.

ii) By Letter

The informal approach may helpfully be supported by a letter to the perceived offender. You should address the letter to the perceived offender as PRIVATE and in it should outline:

- that he/ she has caused offence and/or distress;
- of the specific behaviour that has caused offence and/or distress and how;
- how the behaviour constitutes harassment, bullying and/or victimisation, and is therefore inappropriate; and
- that the aim of writing to him/her is to resolve this matter now.

You should also ask for an agreement that the behaviour will stop, which can be made via letter or through an informal discussion. You can ask for this agreement to be in writing, and to be signed by all parties involved.

You should receive a response (in person or by letter) within **5 working days** of raising your informal complaint.

You may wish to share this letter with your manager.

Formal Management Action

If you feel unable to informally approach the perceived offender, you have the option of making a formal complaint. To do this you should speak to your manager, who will approach them on your behalf. To enable your manager to take effective action you should provide written details of the specific behaviour including:

- how the specific behaviour has caused offence and/or distress and how;
- how the behaviour constitutes harassment, bullying and/or victimisation, and is therefore inappropriate; and
- any wishes you may have with regard to resolution.

Your manager will notify you the outcome of the action that she/he has taken.

Possible outcomes of a formal complaint

If you follow this policy and the issue is not resolved, or your complaint is serious in nature, you should raise the matter as a grievance. Please refer to the Healthwatch Cambridgeshire and Peterborough Grievance Policy.

Disciplinary proceedings may result against others as the result of your complaint(s). For these proceedings to take place and to result in fair and reasonable judgements, you will be required to make a written statement and possibly appear to give evidence at a hearing.

In some cases, for whatever reason, it may be difficult to continue to work together with the person(s) you have complained about. In these circumstances, other options will be discussed with all parties involved.

Approved by Healthwatch Cambridgeshire and Peterborough Board of Directors

Date: March 2019

Responsible Officer

Chief Executive Officer of Healthwatch Cambridgeshire and Peterborough