

THE RECORDING WORKSHOP



29/01/14

Preventing Harassment & Bullying Policy & Procedure

The Recording Workshop is striving to be an equal opportunities employer & training provider. We are committed to ensuring equal rights and opportunities for all within the College.

Everyone has a right to be treated fairly, with dignity and respect. The purpose of this policy is to eliminate harassment and bullying from the workplace. These are unacceptable forms of behaviour and will not be tolerated. Everyone has a duty to not behave in a way that could be offensive to others or condone such behaviour, whether they be employees or students, contractors or customers. Where employees or students are found to have been subjected to harassment by customers, we will take all reasonable steps to prevent its recurrence. Employees or students found to have contravened the policy, will be subject to disciplinary action, which may result in dismissal.

All alleged cases brought to our attention will be taken seriously and investigated in a fair and objective manner. Individuals who are harassed, victimised or bullied may be reluctant to complain as they fear reprisals and may therefore suffer in silence. They may not want attention focused upon them - they just want the behaviour to stop. Individuals must feel confident to bring forward complaints without fear of ridicule or reprisals.

Please read this policy carefully and think what it means to you and how it applies in your particular workplace. We all have a responsibility not to behave in a way that could be offensive to others or to allow others to do so.

Signed

Chief Executive, The Recording Workshop

WHY WE NEED A POLICY

Harassment and bullying affect both the individual and the organisation. The effect upon someone who is harassed or bullied can include:-

1. Undermining confidence and self-esteem
2. Emotional and physical pain
3. Withdrawal from active participation

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4. De-motivation or 'trying too hard'
5. Inability to perform tasks satisfactorily
6. Increased anxiety and stress, which can show themselves in physical or behavioural symptoms
7. Excessive assertiveness or aggressiveness
8. Excessive sickness or lateness
9. Even resignation as a last resort

The adverse effect on the College can include:-

1. A general apathy
2. Bad relationships have a negative effect on the organisation
3. Individuals stop giving 'the added extra'
4. Resources are diverted from the job in hand to deal with the effects
5. Excessive absenteeism
6. High turnover/poor retention rates
7. Poor image for the organisation
8. Possible legal costs

Our Preventing Harassment and Bullying Policy is but one step towards ensuring the fair treatment and dignity of men and women at work. It prohibits all forms of offensive and unfair behaviour, whether or not it amounts to unlawful harassment based on the grounds of race, sex, disability, sexual orientation or religion or belief.

IF THERE IS A PROBLEM, ALWAYS TRY TO DEAL WITH IT AS QUICKLY AS POSSIBLE.

Management Responsibility

Managers and supervisors have a particular responsibility for:-

1. Ensuring that the Policy is implemented
2. Communicating the Policy
3. Thoroughly investigating any instance of harassment, bullying or victimisation of which they become aware (whether or not it is brought to their attention formally)
4. Resolving complaints fairly and objectively, and as quickly as possible
5. There are cases where actions which could be classed as harassment or bullying, are carried out unwittingly. This may be as a result of outdated management styles as opposed to any deliberate intent. The adoption of

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management styles that do not involve aggressive and intimidating behaviours would make an important contribution to the eradication of workplace harassment and bullying.

Employee or student & Student Responsibility

Every employee or student & student has a responsibility not to behave in a way that could be offensive to others and to ensure that their colleagues are treated with dignity and respect. There is also a responsibility to report instances of harassment, bullying or victimisation and not to condone or ignore such behaviour.

What is Bullying and Harassment?

There are many definitions of bullying and harassment. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to 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.

Victimisation

Victimisation occurs when a person is treated less favourably because they have previously made a complaint of discrimination or they have acted as a witness or has provided information for someone who has complained of harassment. This is irrespective of whether the complaint was founded. When

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there is a complaint of harassment in any form, staff & students must be treated with respect, equally and without any malice whatsoever.

Action taken by the College or any of its employees or students against someone because they have brought a complaint under this procedure may be unlawful victimisation.

Unacceptable Behaviours

Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. Harassment and bullying involve unjustified and unwelcome actions, practices and language, whether intentional or unintentional, by an employee or student, customer or visitor (including contractors) which are directed at other employees or students, customers or visitors. Harassment can be a one-off incident or continuous behaviour.

Bullying and harassment can often be hard to recognise - they may not be obvious to others, and may be insidious. The recipient may think 'perhaps this is normal behaviour in this organisation'. They may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating. They may be accused of 'overreacting', and worry that they won't be believed if they do report incidents.

People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial but which may be the 'last straw' following a series of incidents. There is often fear of retribution if they do make a complaint. 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.

People may also be harassed or bullied at work if they are perceived by others as 'not fitting in'. This is more likely to occur in a workplace with little or no diversity. Such people may be shunned and their efforts to integrate with others rebuffed.

Unacceptable behaviour may include the following:-

1. Offensive jokes or comments, including name calling or suggestive remarks, spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or

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- belief);
2. The display, storage or transmission of offensive material, such as literature or pictures, graffiti or computer imagery
 3. Copying memos that are critical about someone to others who do not need to know;
 4. Ridiculing or demeaning someone - picking on them or setting them up to fail, public humiliation;
 5. Exclusion or victimisation;
 6. Unfair treatment;
 7. Overbearing supervision or other misuse of power or position;
 8. Unwelcome sexual advances - touching, standing too close, display of offensive materials, suggestive looks, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;
 9. Making threats or comments about job security without foundation;
 10. Deliberately undermining a competent worker or student by overloading and constant criticism, refusal to give credit for work undertaken;
 11. Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Whilst the list comprises examples of unacceptable behaviour, it is important to understand that it is not an exhaustive list. It is a framework to provide guidance as to what type of behaviour is unacceptable.

The Law

It is not possible to make a direct complaint to an employment tribunal about bullying. Should someone suffer either a psychological or psychiatric injury because of bullying, it may however be possible to bring a claim for damages case in the civil courts. In the case of bullying it may also be possible to invoke The Protection From Harassment Act 1997 which prohibits a course of conduct which amounts to harassment of another, which the perpetrator knows or ought to know amounts to harassment.

Employees or students might be able to bring complaints under laws covering discrimination and harassment. For example:-

The Sex Discrimination Act gives protection against discrimination, harassment and victimisation on the grounds of sex, marriage, pregnancy, maternity leave or because someone intends to undergo, is undergoing or has undergone gender reassignment. The amended Act also protects against

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unwanted verbal, non-verbal or physical conduct of a sexual nature which is offensive, humiliating or degrading. This covers "one-off" episodes as well as repeated behaviour.

The Race Relations Act 1976 gives protection against discrimination and victimisation on the grounds of colour, race, nationality or ethnic or national origins. The Race Relations Act (Amendment) Regulations 2003 also give a stand alone right to protection from harassment on the grounds of race and ethnic or national origin.

The Disability Discrimination Act 1995 gives protection against discrimination, harassment and victimisation on the grounds of disability.

The Employment Equality (Sexual Orientation) Regulations 2003 give protection against discrimination, harassment and victimisation on the grounds of sexual orientation (orientation is defined as 'same sex' - lesbian/gay - 'opposite sex' - heterosexual - and 'both sexes' - bisexual).

The Employment Equality (Religion or Belief) Regulations 2003 give protection against discrimination, harassment and victimisation on the grounds of religion or belief.

Legislation in respect of age discrimination and harassment will be introduced by October 2006.

Amendments to discrimination legislation have provided a freestanding legal definition of harassment as applied to disability, sex, sexual orientation, religion or belief and race and ethnic and national origin. The definition is:-

"unwanted conduct that has the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment."

Failure to deal with complaints of unlawful harassment as listed above, may be deemed to be discriminatory acts. Harassers, their supervisors and managers may be held personally liable in the event of any legal proceedings. The aim of our policy and procedure is to rid the College of any unacceptable behaviour, whether it is unlawful or not.

HARASSMENT AND BULLYING COMPLAINTS PROCEDURE

Training__ Management and representatives who may be involved in the

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harassment procedure should be trained for the task. They should be familiar with the provisions of the procedure, and know how to conduct or represent at such hearings. In accordance with the ACAS suggestion, to increase the understanding of respective roles in the procedure, managers and trade union representatives will be trained jointly.

Confidentiality

All complaints, associated correspondence and interviews must be treated in strict confidence. All those involved in the investigation, including witnesses, must observe complete confidentiality and not breach it by talking about the investigation to anyone who is not directly concerned with carrying it out. Breaches of confidentiality may be dealt with using the Disciplinary Procedure.

Time Limits

Complaints of harassment or bullying should be dealt with promptly. The maximum length of time to complete an investigation and determine if a complaint is proven should be four weeks from the date of receiving the complaint.

Giving Effect to the Policy

The College is committed to a safe and pleasant working & teaching environment. For this reason it is important that all instances of harassment or bullying, at whatever stage, are notified. This information will be anonymous and form part of an annual review to ascertain the effectiveness of the policy and thereafter determine if it needs to be amended.

The aim of the procedure is to stop the undesirable behaviour(s) and prevent recurrence. Those charged with implementing the procedure, will do so with sensitivity and tact, maintaining objectivity and impartiality. Consistency of approach will be aimed for. Everyone should have confidence to complain without fear of victimisation.

The Procedure allows for informal and formal resolution of complaints.

Informal Action

Any employee or student who feels that they or others have been harassed, bullied, victimised in a way that breaches this policy, should if they feel able, immediately tell the person that their behaviour is unwelcome, possibly offensive and want it to cease. If a verbal approach is made, the employee or

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student may wish to be accompanied by a union representative or colleague. This may be sufficient to resolve the situation, especially if the person(s) responsible was/were unaware that the behaviour was causing offence.

It may be that s/he feels more comfortable to put it in writing to the person responsible for the unwanted behaviour, keeping a dated copy of the letter or ask a colleague or Union representative to speak to the person on their behalf.

Alternatively, an employee or student may also choose to raise the matter informally with their tutor.

Whether the approach is informal or formal, it is important that a note is kept of the dates, times, list of witnesses and other relevant supporting evidence of the act/s complained of. This may be needed as evidence should the behaviour continue or subsequently recur.

Formal Action

If an employee or student feels they are unable to raise the matter informally or, this approach has been tried but not worked, the individual may, at any time, use the formal procedure. This procedure applies to all staff & students of the College, whether in seasonal or regular employment or courses.

The procedure is to be carried out for all allegations of bullying or harassment by the director on receipt of:-

- i. Report or complaint from member of staff & students
- ii. Reports from supervisory members of staff & students
- iii. Information from any other verifiable source.

The director must investigate the complaint as quickly as possible. With serious complaints, consideration should be given to moving the alleged harasser to another location or shift pattern to avoid contact with the complainant. It may also be necessary to consider suspension of the alleged harasser on full pay whilst the investigation is in progress. Harassment counselling support is to be offered to the complainant, alleged harasser and anyone else involved.

Both the complainant and the alleged harasser, will be entitled to be accompanied by another employee or student.

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It is important to recognise the complainant's feelings and the affect the alleged harassment may have on them. It can be difficult for someone to make a formal complaint when feeling vulnerable or degraded by the experience, or worried about being branded a trouble maker. To begin to understand the complaint and establish the facts, there are certain questions that will need to be asked of the complainant, sensitively and tactfully -

1. What happened and when?
2. Was this the first such incident or had something similar happened before?
3. Who was involved?
4. Where did the incident take place?
5. Were there any witnesses?
6. Have you taken any action to stop further harassment?
7. Have you discussed the incident with anyone else?

When asking questions, it is important to be sensitive to the following:-

1. The complainant may wish to be accompanied by a work colleague or fellow student.
2. Care should be taken not to phrase questions in a way which implies that the harassment may in some way have been directly or indirectly invited
3. Remarks should be avoided that appear to trivialise the experience or suggest that the complainant imagined the incident to be something it was not
4. The complainant's relationships with anyone else is not relevant
5. Remember that the intention of the alleged harasser is irrelevant - it is the effect on the complainant which is important.

Detailed notes of the interview should be taken and with the complainant's agreement, the interview should be recorded on tape. A written statement should be obtained from the complainant and signed by them. This will prove useful should an investigation prove necessary and will save the complainant being continually asked to relive what may be a painful memory. Care should be taken to ensure that whilst interviews should be thorough, they do not need to be unduly lengthy. Counselling support must be offered.

Discussing the Complaint with the Alleged Harasser

The alleged harasser must be advised of the nature of the complaint made against them, in direct, straightforward language. Ensure that it is understood

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that it is the effect of their behaviour on the complainant which may constitute harassment, not necessarily the type of behaviour itself or the intention behind it.

Alleged harassers must relate their own account of the incident. Again detailed notes should be taken and with their consent, the interview taped. Alleged harassers should be asked to prepare and sign a written statement.

Any questions asked should be phrased carefully, in a way that does not imply any prejudice against the alleged harasser or an assumption of guilt. The investigating officer should not be drawn into expressing opinions or take into account unrelated incidents not involving the complainant.

Common responses to allegations of harassment include denial or disbelief that their behaviour was taken to be offensive or not welcome. None of this alters the fact that a complaint has been made which may lead to disciplinary action.

If the alleged harasser denies the incident, an investigation should be undertaken to establish whether there were any witnesses or if any corroborative evidence exists, e.g. observed changes in the complainant's or alleged harasser's behaviour, attitude or performance at work. Statements and/or interview notes should be compared and discrepancies resolved. The resolution of the complaint may then depend on the assessment of the credibility and truthfulness of those involved. Care must be taken not to make any biased assumptions.

If alleged harassers claim not to have realised that their behaviour was taken to be offensive and/or unwelcome, counselling should be offered specifically to help them understand that the impact of their behaviour and the right of the complainant to take appropriate action to stop it. They must also be told that such behaviour must cease. Alleged harassers must be made aware that any victimisation of the complainant will not be tolerated and would constitute a further act to be taken into account in any subsequent disciplinary action.

Reaching a Decision

Once the investigation is completed, a decision will be taken whether or not the incident constituted harassment, victimisation or bullying. The decision should be promptly and clearly communicated, both verbally and in writing, to the complainant and alleged harasser.

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In the event that the complaint is substantiated, the Investigating Manager will take prompt action to stop the harassment or bullying and to prevent its recurrence. The Investigating Manager should also recommend appropriate disciplinary charges. Under the Disciplinary Procedure the harasser may be charged with contravention of the Harassment and Bullying Policy. Depending on the nature of the case, this may amount to misconduct or gross misconduct with the full range of disciplinary sanctions available, ranging from warnings to summary dismissal. Any subsequent disciplinary hearing will be conducted by a staff member independent of the case.

The director should also recommend what follow up training and/or education action needs to take place to prevent any further recurrences.

If the complaint is not established, it is important that both parties are informed of the grounds upon which the decision is based. At the same time, they should be advised of their right to raise any complaints about the handling of the case or indeed, the decision itself.

In the unusual case that the complaint was found to be with malicious intent, the complainant may be dealt with through the disciplinary procedure.

All complainants and alleged harassers have the right to make a complaint if dissatisfied with the way the investigation has been conducted or with the conclusion reached. Any such Independent Review, is to be conducted by an appropriately trained Manager, totally unconnected with the case. The complainant or alleged harasser may be accompanied by a colleague. This is separate to the individual's right to appeal under the Disciplinary Procedure against a punishment awarded.

The director will be responsible for ensuring that good working relationships return to the college and must prevent any victimisation from occurring. The situation should be further monitored by the director after a suitable lapse of time to ensure that relationships have normalised. This process will include a confidential discussion with the individuals concerned.

Next Review: 29/01/15