



## TODMORDEN LEARNING CENTRE AND COMMUNITY HUB LTD (TLCCH) POLICIES AND PROCEDURES

### HARASSMENT AND BULLYING POLICY

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#### 1. POLICY STATEMENT

TLCCH wishes to provide a stimulating and supportive working environment which will enable its paid and volunteer staff to fulfil their personal potential and creativity. Such an environment cannot exist where any member of paid or volunteer staff is subjected to harassment, intimidation, aggression or coercion.

TLCCH is fully committed to the principles of equality and diversity in the workplace and regards harassment as a form of discrimination. As such TLCCH will not tolerate any form of bullying or harassment.

TLCCH will treat all complaints of harassment and bullying seriously and will investigate them promptly and in confidence.

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#### 2. HARASSMENT

Harassment is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may be on the grounds of sex, marital status, race, disability, religion or beliefs, sexual orientation, age or gender reassignment. For the purposes of this Policy this list should be considered non-exhaustive, and harassment or bullying on any grounds will not be tolerated by TLCCH.

Harassment may be persistent or an isolated incident, obvious or subtle, face-to-face or indirect. It may even be through unequal or unfair application of monitoring systems, for example through the monitoring of breaks where it is not applied equally to all employees.

Examples of behaviour which may constitute harassment or bullying include (but are not limited to):

- Spreading malicious rumours;
- Professional or social exclusion;
- Insulting behaviour;
- Unwelcome sexual advances or physical contact;
- Unfounded threats relating to job security;

- Calculated undermining of an employee's competence, for example through a consistently unreasonable or unfair workload, overbearing supervision or unnecessary circulation of critical memoranda;
- Physical assault;
- Verbal abuse, threats, derogatory name-calling, ridicule, insults and offensive or embarrassing jokes;
- Offensive emails, texts or visual images;
- Derogatory graffiti/insignia or display of derogatory or offensive material; and
- Inciting others to commit any of the above.

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### 3. UNLAWFUL GROUNDS OF HARASSMENT AND BULLYING

TLCCH reiterates that it will not tolerate any instance of harassment or bullying, regardless of the grounds. This Policy will equally apply to work related events even if they occur away from the normal workplace. The following are grounds by which a person may experience harassment or bullying:

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#### 3.1. SEX AND GENDER IDENTITY

Harassment or bullying on the grounds of a person's sex or gender identity, pregnancy, parental leave etc. This can apply even where the complainant was not the employee to whom the harassment was directed.

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#### 3.2. MARITAL STATUS

Harassment or bullying on the grounds of a person's marital status.

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#### 3.3. GENDER REASSIGNMENT/TRANS STATUS

Harassment or bullying on the grounds that a person intends to undergo gender reassignment, is currently undergoing gender reassignment or has already undergone gender reassignment, or other trans status.

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#### 3.4. SEXUAL HARASSMENT

This is distinct from sex or gender harassment, as it is physical, visual, verbal or non-verbal conduct that is sexual in nature

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#### 3.5. RACE

Harassment or bullying on the grounds of a person's colour, nationality, ethnic or national origins (including citizenship).

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#### 3.6. DISABILITY

Bullying or harassment on the grounds of or arising from a person's disability.

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#### 3.7. SEXUAL ORIENTATION

Bullying or harassment on the grounds of a person's sexual orientation, applying equally to attraction to any sex or gender;

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#### 3.8. RELIGION OR BELIEF

Harassment or bullying on the grounds of a person's religion or beliefs or lack of such.

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### 3.9. AGE

Harassment on the grounds of a person's age, applying equally to all people regardless of age.

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### 3.10. GRIEVANCE

Harassment or bullying because of a person raising a grievance.

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## 4. REPORTING HARASSMENT

Employees and volunteers have the right to complain if they are treated in a way that they believe constitutes harassment or bullying. Aside from complaints about the behaviour of colleagues, employees and volunteers have the right to complain if they believe they have been bullied or harassed by a third party e.g. a user of the TLCCH or a visitor.

Employees or volunteers who make a genuine complaint under this policy will not be subjected to any unfavourable treatment or victimisation because of making the complaint.

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## 5. PROCEDURE FOR COMPLAINTS

Any employee who feels that they have been subjected to harassment or bullying by any other member of staff, should raise the matter as soon as reasonably practicable.

Employees can raise a complaint informally or formally. They should contact the Centre Manager, or a Director of TLCCH if the complaint is against the Centre Manager.

Before raising a formal complaint, the employee is encouraged to talk directly and informally to the person whom they believe is harassing him or her, using the informal procedure below. It may be that the person whose behaviour is causing offence is genuinely unaware that his or her behaviour is unwelcome or causing distress and that a direct approach can resolve the matter without the need to use the formal procedure.

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## 6. INFORMAL PROCEDURE

If the employee feels able, they should speak up at the time when they feel harassed or bullied. It is important to be direct and for the employee to state explicitly that they feel they are being harassed and that the behaviour is unacceptable to them. The employee can also discuss the matter with another colleague or their supervisor and ask them to speak to the harasser on their behalf.

Alternatively, if the employee feels unable to speak to the harasser directly, they could write a letter to them which clearly identifies the offending behaviour and requests that it stops immediately. The employee should sign and date any such letter and ensure that a copy is kept for any potential future formal complaint. It is also advisable that the employee keep an 'incident diary' of any offending behaviour.

Where the informal procedure has not resolved an employee's complaint, a formal grievance can be raised by the employee.

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## 7. FORMAL PROCEDURE

Any employee who feels that they have been subjected to harassment or bullying may at any time decide to deal with the issue through formal procedures (using TLCCH's grievance procedure), regardless of whether informal steps have been taken or not.

When bringing a complaint of bullying or harassment, the employee should state:

- The name of the person whose behaviour is believed to amount to bullying or harassment
- The behaviour that is causing offence, with specific examples
- Dates and times when incidents of harassment or bullying occurred
- The names of any employees who witnessed any incident
- Details of any action the employee has taken to try and address the bullying/harassment.

The Company will investigate any informal or formal complaint thoroughly and fairly.

An employee accused of harassment or bullying will be informed of the exact nature of the complaint against him or her and given a full opportunity to give his or her version of events.

During the investigation, TLCCH reserves the right to suspend or temporarily redeploy either the employee making the complaint of harassment or bullying, or the employee suspected of harassment or bullying. Suspension will be on full pay and is not a disciplinary sanction. As soon as the investigation is complete, the Company will inform the employee suspected of bullying or harassment of the outcome and decide if it is appropriate to start disciplinary proceedings.

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## 8. CONSEQUENCES OF BREACH

Harassment is a disciplinary offence and will be dealt with according to the TLCCH's Disciplinary Policy. Bullying, harassment, victimisation or discrimination may constitute gross misconduct, punishable by summary dismissal without notice.

Employees should bear in mind that harassment or bullying may also constitute a criminal offence punishable by a fine or imprisonment.

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## 9. RESPONSIBILITIES OF EMPLOYEES, VOLUNTEERS AND MANAGERS

All employees and volunteers are responsible for their own behaviour and should ensure that they always comply with this Policy.

The Centre Manager is responsible for implementing this Policy and bringing it to the attention of employees.

Any complaints under this Policy brought to the attention of the Manager must be dealt with promptly, confidentially, fairly and consistently.

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## 10. SUPPORT AND ADVICE

TLCCH will offer counselling and mediation to employees where appropriate.

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## 11. CONFIDENTIALITY

TLCCH will treat any complaint received under this Policy confidentially.

All employees involved with an investigation are required to respect the need for confidentiality.

TLCCH will maintain records of investigations into alleged incidents of harassment or bullying and the outcome of the investigations. These records will be maintained in confidence and in line with the Company's Data Protection Policy.

Any breaches in confidentiality will be subject to disciplinary action.

**Date of Next Review: 2 years after approval**