

# FRAMEWORK FOR AN ANTI-BULLYING AND HARASSMENT POLICY

A policy should contain something about the organization's philosophy, definitions and examples of bullying, the legal and financial costs and implications, the roles of staff within the organization and the informal and formal procedures.

## Statements of beliefs

These need to state emphatically what the organization believes in and what it intends to achieve. Some of the statements below may be of help:

- The company is opposed to any form of discrimination including harassment and bullying being practised against its employees on any grounds. (Specific grounds may include race, creed, sex, marital status, age, physical and mental disability, religious or sexual persuasion, AIDS/HIV.)
- The organization is committed to achieving genuine equality of opportunity for all its employees.
- The organization is committed to making full use of the talents and resources of all its employees. It wishes to promote a healthy working environment where all employees are given the dignity and respect to which they are entitled.
- The organization seeks to provide an environment of mutual trust and respect amongst all the workforce.

## Definitions of bullying and harassment

In addition to those definitions given in the Introduction there are some which have been used by specific companies and organizations:

'Harassment is defined as unreciprocated and unwelcome comments or actions which are considered objectionable by the recipient. The policy encompasses harassment with regard to gender, race, sexuality, disability, religion or age ... In addition the organization will actively promote an environment which is free from inappropriate behaviour such as bullying and intimidation.' (*Promoting employees' dignity at work policy statement, Littlewoods, 1994*)

'Various patterns of behaviour are considered acceptable between people as normal forms of social and business interaction, others are considered inappropriate and the recipients may feel harassed or bullied.' (*Harassment/bullying policy, Nationwide Building Society, 1996*)

Harassment and bullying can take many forms and may involve:

- inappropriate actions
- persistent offensive, abusive or intimidating behaviour
- abuse of power or unfair penal sanctions
- malicious or insulting language
- physical contact that is objectionable or causes offence
- name calling
- excluding a colleague from the team
- non-verbal conduct, for example the displaying of distasteful pictures.

Conduct which may be acceptable or tolerable to one individual, but which makes another individual feel upset, harassed or bullied may be considered to be harassment, for example where it makes an individual feel:

- upset
- humiliated

- threatened
- vulnerable
- that his or her privacy is being invaded
- that his or her self-confidence is being undermined leading to undue stress.

*(Harassment/bullying policy. Nationwide Building Society, 1996)*

It must be stressed that these examples are just that - examples. They are not a definitive list of bullying behaviours or emotional responses. For a thorough and comprehensive account of bullying behaviours, Tim Field's book 'Bully in Sight', is an excellent resource.

Some policy documents define very clearly what is meant by, for example, sexual harassment. You may wish to consider whether it is appropriate for your organization to go into such detail.

Again, the following definitions and statements may help.

### **Race**

This is harassment based on race, nationality or national origins where the individual believes that he or she is being harassed on racial grounds. Examples would include racial abuse of a physical, verbal or prejudicial nature, racist jokes, insults, ridicule or name calling. It would also include racially offensive written or visual material.

Discrimination on the grounds of race could be more subtle and covert. This might include unfair allocation of work, unequal treatment in the application of conditions of employment, unreasonable pressure to complete tasks, exclusion from conversation or activities, or unreasonable withholding of permission to attend self-organized groups within the workplace or trade union.

However, it must be acknowledged that the above points can relate to all employees and not just racial minorities and different cultures. There are many behaviours which could in essence come under any of the headings of bullying, harassment and discrimination. Perhaps this is why, as we have seen, applying the relevant legislation to a particular case can be so tricky.

### **Gender**

This is unwanted conduct of a sexual nature, or other conduct based on gender affecting the dignity of women and men at work. This would encompass physical conduct, for example unnecessary touching or invasion of personal space. It could include verbal conduct such as unwelcome propositions, suggestive remarks or innuendo. Non-verbal conduct might include the displaying of suggestive or pornographic material, leering or suggestive gestures.

### **Disability**

This is unfair and unwelcome treatment based on the fact that an individual has a physical or sensory impairment, learning difficulties or is experiencing mental distress. It would include offensive, threatening or patronizing language, denial of that person's identity, and failure to provide facilities and resources to enable them to perform their duties.

### **Lesbians and homosexuals**

This is harassment and discrimination based upon the belief that lesbians and gay men are inferior to heterosexuals. Some of the behaviours would be similar to those outlined under gender, but may also include intrusive questions or derogatory comments about an individual's personal and domestic circumstances.

### **The effects and costs**

Harassment and bullying are infringements of employees' rights, but it can also affect their mental and physical health and well-being. Anxiety and stress can lead to increased absence and sickness, or even job resignations.

If bullying and harassment are ignored, or even condoned, there will be a knock-on effect within the workforce. Reduced efficiency and damaged morale may ensue. Staffing costs will increase as replacements or temps need to be found to cover for sick

colleagues. Those companies who do not pull in staff to cover, but who spread the work amongst existing staff, risk exacerbating the problem.

As a number of policy documents point out, each member of staff is responsible for their own behaviour and it is their duty to be sensitive to the needs of others.

You may feel it appropriate at this stage to introduce some facts and figures (see Introduction, page 000), although this will need to be done judiciously so as not to create undue anxiety or concern.

## **Legal implications**

Any policy document needs to make it absolutely clear that there are legal implications to be considered if an employee feels that they are being bullied, harassed or discriminated against, and that they have the right to take their employer to court. The process may be lengthy and tortuous, but whether you agree with it or not, we are becoming a much more litigious society. What is more, cases are being won with claimants receiving substantial damages.

It is imperative that the message gets across to employers and employees that prevention is better than cure. A proactive policy will identify problems before they get to the stage of legal proceedings.

## **Role of the manager**

Managers need to do the following to ensure that their organization supports a non-bullying culture and unacceptable behaviour is not tolerated:

- Managers need to look to their own behaviour. They must treat employees, customers and clients with dignity and respect.
- They must be aware of what is acceptable behaviour and what is not, and be alert to the signs. Since much of what goes on is not always immediately apparent as bullying, they must be particularly vigilant to some of the more covert warning signs.
- They must ensure that employees are familiar with the anti-bullying/harassment policy and know what to do.
- As new employees join the company, the policy should form an integral part of their induction training.
- Managers need to ensure that staff who make a complaint about bullying or harassment are fully supported before, during and after complaints are investigated.
- Complaints should be dealt with promptly, fairly and with total confidentiality. The rights of all parties should be respected at all times.
- Managers should be aware that it is the impact that the behaviour has on the victim or claimant which determines bullying or harassment, not the intent.
- Many problems in the past have been put down to 'personality clashes'. Managers must not fall into this trap and be dismissive of an allegation; they should investigate the situation thoroughly.
- Support for the complainant is vital. It is the manager's responsibility to ensure that the complainant is not victimized or retaliated against for bringing a complaint forward.
- Managers need to make sure that the policy is fully implemented.

## **Role of personnel/HR**

Because personnel and HR departments should generally speaking be more au fait with 'people' issues, they are ideally placed as a resource for managers who are perhaps unsure of how to deal with staff who are emotionally upset. This does not mean that personnel staff should take over. It is the manager's responsibility to manage their department, not personnel's. However, the personnel/HR department can offer support and guidance as to how to manage the process.

Staff should also be able to contact the personnel department directly.

However, there needs to be a degree of flexibility here. Members of staff will not approach someone whom they perceive as being unsympathetic or perhaps indiscreet. They will either say nothing and suffer in silence, or they will discuss it with someone whom they trust.

## **Role of the employee**

There is a lot that employees can do to prevent harassment and bullying from taking place, for example:

- Employees need to be aware that bullying can and does happen. They should make sure they understand the issues around bullying.
- They need to be aware of their own conduct and behaviour. They may unknowingly be causing offence. What they see as harmless banter or 'just a bit of fun' may be misconstrued by others. Some people will not take offence to personal remarks, sarcasm or put downs, but others will. Employees need to be absolutely sure that their own prejudices and beliefs are not interfering with how they treat others.
- If an employee is being bullied or harassed then something needs to be done, they do not have to put up with it. Before they go down the road of speaking to their manager, supervisor or whoever is appropriate, you can learn how to stand up for themselves. (Techniques on assertiveness can be found in the practical toolkit section, and Chapter 5 'Guidance for individuals' will help.)

If an employee witnesses someone else being bullied, they can help by supporting them. Many bullies rely on the fact that people don't want to get involved. It may only be at the level of providing a shoulder to cry on, but that in itself will mean a lot to the person being bullied. It should be remembered that a member of staff sees or hears something and does nothing, they will be seen as condoning the behaviour and colluding with the bully.